

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF MINNESOTA

Melinda and Mark Loe,
et al.,

Plaintiffs,

Case No.:

vs.

0:23-cv-01527-NEB-JFD

Willie Jett, et al.,

Defendants.

Rule 30(b)(6) DEPOSITION OF
SALLY REYNOLDS

DATE: February 8, 2024

TIME: 9:05 a.m. (CST)

PLACE: Lathrop GPM LLP

80 South Eighth Street

3100 IDS Center

Minneapolis, Minnesota 55402

REPORTED BY: Valerie J. Riske

JOB NO.: PA 6439163

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS:</p> <p>4 THE BECKET FUND FOR RELIGIOUS LIBERTY</p> <p>5 BY: Diana Verm Thomson, Esq.</p> <p>6 Eric S. Baxter, Esq.</p> <p>7 Benjamin A. Fleshman, Esq.</p> <p>8 Andrea R. Butler, Esq.</p> <p>9 1919 Pennsylvania Avenue Northwest</p> <p>10 Suite 400</p> <p>11 Washington, D.C. 20006</p> <p>12 Phone: (202) 955-0095</p> <p>13 Email: dthomson@becketlaw.org</p> <p>14 ebaxter@becketlaw.org</p> <p>15 bfleshman@becketlaw.org</p> <p>16 abutler@becketlaw.org</p> <p>17</p> <p>18 ON BEHALF OF THE DEFENDANTS:</p> <p>19 OFFICE OF THE MINNESOTA ATTORNEY GENERAL</p> <p>20 BY: Jeffrey Timmerman, Esq.</p> <p>21 Madeleine Demeules, Esq.</p> <p>22 445 Minnesota Street</p> <p>23 Suite 1400</p> <p>24 St. Paul, Minnesota 55101</p> <p>25 Phone: (651) 583-7660</p> <p> Email: jeffrey.timmerman@ag.state.mn.us</p> <p> madeleine.demeules@ag.state.mn.us</p> <p>ALSO APPEARED:</p> <p>Richard C. Landon, Esq., Lathrop GMP LLP</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBITS (Continued): PAGE</p> <p>2 Exhibit 5 Minnesota Department of 31</p> <p>3 Education's Rule 30(b)(6)</p> <p>4 Designations and Objections</p> <p>5 (No Bates)</p> <p>6 Exhibit 6 Letter dated 03/01/2006 to Jay 54</p> <p>7 Fedje from Morgan Brown</p> <p>8 CONFIDENTIAL</p> <p>9 MDE001786 to 1795</p> <p>10 Exhibit 7 Bethany Lutheran College 58</p> <p>11 Statement on Admission,</p> <p>12 Enrollment, and Student Life</p> <p>13 CONFIDENTIAL</p> <p>14 LOE00004571</p> <p>15 Exhibit 8 Minnesota Department of 67</p> <p>16 Education, Institutional</p> <p>17 Eligibility Under the</p> <p>18 Postsecondary Enrollment</p> <p>19 Options Program</p> <p>20 CONFIDENTIAL</p> <p>21 MDE001416 to 1417</p> <p>22 Exhibit 9 Email dated 03/07/2022, 92</p> <p>23 Subject: 22-23 Statement of</p> <p>24 Assurance for Eligible PSEO</p> <p>25 Courses, with attachment</p> <p> CONFIDENTIAL</p> <p> MDE001592 to 1594</p> <p>Exhibit 10 Email chain, top-dated 99</p> <p> 04/17/2008,</p> <p> Subject: Northwestern College</p> <p> CONFIDENTIAL</p> <p> MDE001072 to 1075</p> <p>Exhibit 11 Minnesota Department of 104</p> <p> Education memo dated 08/05/2013</p> <p> CONFIDENTIAL</p> <p> MDE001428 to 1429</p> <p>Exhibit 12 Minnesota Department of 109</p> <p> Education Postsecondary</p> <p> Enrollment Options (PSEO)</p> <p> Reference Guide, November 2021</p> <p> MDE001535 to 1568</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2 WITNESS: SALLY REYNOLDS PAGE</p> <p>3 Examination by Ms. Thomson..... 7</p> <p>4 Examination by Mr. Timmerman..... 184</p> <p>5</p> <p>6</p> <p>7 SPECIAL REQUESTS or INSTRUCTIONS</p> <p>8 Page 177</p> <p>9</p> <p>10</p> <p>11</p> <p>12 E X H I B I T S</p> <p>13 EXHIBITS MARKED AND FIRST REFERRED TO:</p> <p>14 Exhibit 1 Crown College PSEO Application 20</p> <p>15 dated 04/15/2002</p> <p>16 CONFIDENTIAL</p> <p>17 MDE001903 to 1907</p> <p>18 Exhibit 2 Letter from the Minnesota 20</p> <p>19 Department of Children,</p> <p>20 Families & Learning dated</p> <p>21 06/10/2002</p> <p>22 CONFIDENTIAL</p> <p>23 MDE001884 to 1893</p> <p>24 Exhibit 3 University of Minnesota web 27</p> <p>25 page on Post-Secondary</p> <p> Enrollment Options (PSEO)</p> <p> (No Bates)</p> <p>Exhibit 4 Bethel College Application for 30</p> <p> Admission Post Secondary</p> <p> Enrollment Options</p> <p> CONFIDENTIAL</p> <p> MDE001771 to 1785</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBITS (Continued): PAGE</p> <p>2 Exhibit 13 Email chain, top-dated 114</p> <p>3 04/11/2016,</p> <p>4 Subject: Complaint about PSEO</p> <p>5 CONFIDENTIAL</p> <p>6 MDE001052 to 1058</p> <p>7 Exhibit 14 Email dated 08/10/2017, 127</p> <p>8 Subject: DocumentI</p> <p>9 CONFIDENTIAL</p> <p>10 MDE001010 to 1011</p> <p>11 Exhibit 15 Email chain, top-dated 134</p> <p>12 12/03/2019, Subject: PSEO in</p> <p>13 Discriminatory Program</p> <p>14 CONFIDENTIAL</p> <p>15 MDE000015 to 16</p> <p>16 Exhibit 16 Email chain, top-dated 137</p> <p>17 11/18/2020, Subject: PSEO On</p> <p>18 Campus Application Question</p> <p>19 CONFIDENTIAL</p> <p>20 MDE001080 to 1081</p> <p>21 Exhibit 17 Email chain, top-dated 139</p> <p>22 12/06/2021, Subject: PSEO</p> <p>23 Program</p> <p>24 CONFIDENTIAL</p> <p>25 MDE001624 to 1626</p> <p>Exhibit 18 Email chain, top-dated 145</p> <p> 03/09/2023, Subject:</p> <p> Legislator request re</p> <p> demographics in PSEO student</p> <p> application</p> <p> CONFIDENTIAL</p> <p> MDE001716 to 1720</p> <p>Exhibit 19 Office of Governor Tim Walz and 151</p> <p> Lieutenant Governor Peggy</p> <p> Flanagan, Appendix A:</p> <p> Preliminary Form, 09/09/2021</p> <p> CONFIDENTIAL</p> <p> MDE004685 to 4688</p>

<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (Continued): PAGE</p> <p>2 Exhibit 20 Office of Governor Tim Walz and 155</p> <p>3 Lieutenant Governor Peggy</p> <p>4 Flanagan, Appendix A:</p> <p>5 Preliminary Form, 09/14/2020</p> <p>6 CONFIDENTIAL</p> <p>7 MDE004689 to 4694</p> <p>8</p> <p>9 Exhibit 21 Minnesota Department of 162</p> <p>10 Education, Postsecondary</p> <p>11 Enrollment Options (PSEO)</p> <p>12 Reference Guide, August 2019</p> <p>13 CONFIDENTIAL</p> <p>14 MDE003489 to 3521</p> <p>15 Exhibit 22 Minnesota Department of 164</p> <p>16 Education K-12 Accredited</p> <p>17 Nonpublic School Questions and</p> <p>18 Answers</p> <p>19 (No Bates)</p> <p>20</p> <p>21 Exhibit 23 Minnesota Department of 169</p> <p>22 Education, Rigorous Course</p> <p>23 Taking</p> <p>24 MDE000451 to 522</p> <p>25</p> <p>Exhibit 24 Event: MCTC PSEO Appeal Year 177</p> <p>2020-21</p> <p>CONFIDENTIAL</p> <p>MDE003729 to 3733</p> <p>REPORTERS NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.</p>	<p style="text-align: right;">Page 8</p> <p>1 reporter is taking down everything we say, so</p> <p>2 she'll remind us if we don't speak slowly. And I</p> <p>3 ask that we not talk over each other. Allow me to</p> <p>4 finish my question, and I'll try to let you finish</p> <p>5 your answers.</p> <p>6 And please use verbal answers. So nods or</p> <p>7 shakes of the head is hard to transcribe, "uh-huh"</p> <p>8 and "huh-uh" are hard to transcribe, so just try to</p> <p>9 say "yes" or "no."</p> <p>10 If you need a break, let me know. We'll</p> <p>11 usually finish a line of questions, and then we can</p> <p>12 take a break. We usually will break every 60 to 90</p> <p>13 minutes.</p> <p>14 If you do not understand a question, please</p> <p>15 let me know. I will assume, if you answer the</p> <p>16 question, that you understood it.</p> <p>17 Is there any reason why you wouldn't be</p> <p>18 able to give a full, complete, and truthful answer</p> <p>19 to my questions here today?</p> <p>20 A. No.</p> <p>21 Q. Okay. Have you ever been deposed before?</p> <p>22 A. No.</p> <p>23 Q. Have you ever participated as a plaintiff</p> <p>24 or a defendant in a lawsuit before?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 7</p> <p>1 (PROCEEDINGS, 02/08/2024, 9:05 a.m.)</p> <p>2 * * *</p> <p>3 SALLY REYNOLDS,</p> <p>4 duly sworn, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. THOMSON:</p> <p>7 Q. Could you please state your name for the</p> <p>8 record.</p> <p>9 A. Sally Reynolds.</p> <p>10 Q. All right. And you know that I'm here to</p> <p>11 ask you questions for Loe v. Jett?</p> <p>12 A. Correct.</p> <p>13 Q. You understand that this case is a</p> <p>14 challenge to the 2023 amendment to the PSEO program</p> <p>15 that prohibits the use of PSEO funds at schools if</p> <p>16 they restrict admission on the basis of religion or</p> <p>17 other protected categories?</p> <p>18 A. Correct.</p> <p>19 Q. So if I say "the amendment" going forward,</p> <p>20 you understand what I'm referring to in this case?</p> <p>21 A. I do.</p> <p>22 Q. Okay. And you understand that you're</p> <p>23 answering under oath?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So a few preliminaries. The court</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Have you ever testified in court before?</p> <p>2 A. No.</p> <p>3 Q. Have you, over the course of this lawsuit,</p> <p>4 looked for documents in your possession related to</p> <p>5 this lawsuit?</p> <p>6 A. Yes.</p> <p>7 Q. What did you find?</p> <p>8 A. Communications, planning documents related</p> <p>9 to the legislation, all of which were submitted.</p> <p>10 Q. Okay. Do you keep a journal?</p> <p>11 A. I do not.</p> <p>12 Q. Did you look on your calendar?</p> <p>13 A. I did.</p> <p>14 Q. Okay. To-do lists?</p> <p>15 A. I don't keep notes. I don't journal, so...</p> <p>16 Q. Other than speak with your attorneys, which</p> <p>17 is -- I do not want to know what you spoke with</p> <p>18 your attorneys about, what did you do to prepare</p> <p>19 for this deposition?</p> <p>20 A. I spoke with Beth Barsness, who is the</p> <p>21 program PSEO lead at MDE, and Jeanne Krile, who is</p> <p>22 the financial lead for PSEO.</p> <p>23 Q. Anyone else?</p> <p>24 A. No.</p> <p>25 Q. Did you review any documents?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Documents that I had submitted, yeah.</p> <p>2 Q. Okay.</p> <p>3 A. Yes. Sorry.</p> <p>4 Q. Did you -- do you have any notes with you</p> <p>5 today?</p> <p>6 A. I do not.</p> <p>7 Q. Okay. Just a couple of background</p> <p>8 questions. Where were you born?</p> <p>9 A. Edina.</p> <p>10 Q. Where is that?</p> <p>11 A. Edina, Minnesota.</p> <p>12 Q. And did you grow up in Minnesota?</p> <p>13 A. I did.</p> <p>14 Q. Are you personally religious?</p> <p>15 A. I was raised Lutheran.</p> <p>16 Q. Okay. And where did you attend college?</p> <p>17 A. A few different colleges. Do you want all</p> <p>18 of them?</p> <p>19 Q. Sure.</p> <p>20 A. Okay.</p> <p>21 Q. Where did you get your undergraduate</p> <p>22 degree?</p> <p>23 A. The University of Minnesota.</p> <p>24 Q. Okay.</p> <p>25 A. And a master's from Augsburg College. And</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And how long were you in Minneapolis Public</p> <p>2 Schools?</p> <p>3 A. Combined, maybe 12 years.</p> <p>4 Q. And what did you do right -- what was the</p> <p>5 last job you had before you came to MDE?</p> <p>6 A. I was an assistant principal in North</p> <p>7 Carolina with a high school.</p> <p>8 Q. So you came back to Minnesota for MDE?</p> <p>9 A. I came back to Minnesota. My mother passed</p> <p>10 away and my father needed care.</p> <p>11 Q. What was your first role at MDE?</p> <p>12 A. I was an education specialist 2 working</p> <p>13 with alternative and extended learning programs.</p> <p>14 Q. And when was that?</p> <p>15 A. 2017.</p> <p>16 Q. And so when did you start your current</p> <p>17 role?</p> <p>18 A. August 3rd of '22.</p> <p>19 Q. And what is that role?</p> <p>20 A. I am the director of the career and college</p> <p>21 success division.</p> <p>22 Q. What are your areas of responsibility?</p> <p>23 A. Within the division is adult basic</p> <p>24 education, career and technical education, online</p> <p>25 learning alternative programs, dual credit</p>
<p style="text-align: right;">Page 11</p> <p>1 a post-master's K-12 principal certification from</p> <p>2 Saint Mary's.</p> <p>3 Q. Okay. And why did you choose Augsburg?</p> <p>4 A. They had the program and it was local and</p> <p>5 it was flexible. Because I was also a parent.</p> <p>6 Q. Is that a Lutheran school?</p> <p>7 A. It is.</p> <p>8 Q. Any religious content in the program you</p> <p>9 did?</p> <p>10 A. Not that I recall.</p> <p>11 Q. And what made you choose Saint Mary's for</p> <p>12 your postgraduate?</p> <p>13 A. Saint Mary's again due to the flexibility</p> <p>14 of the program and -- pretty much.</p> <p>15 Q. Any religious content in that program?</p> <p>16 A. No.</p> <p>17 Q. Did you take PSEO when you were in high</p> <p>18 school?</p> <p>19 A. I took one PSEO course.</p> <p>20 Q. What was that?</p> <p>21 A. It was a vocal chorus course at Fergus</p> <p>22 Falls Technical College.</p> <p>23 Q. Fergus Falls. What was your first job</p> <p>24 after earning your master's degree?</p> <p>25 A. Working for Minneapolis Public Schools.</p>	<p style="text-align: right;">Page 13</p> <p>1 programs, and the Minnesota Career Information</p> <p>2 System program.</p> <p>3 Q. Do you have any role in working with the</p> <p>4 legislative process?</p> <p>5 A. Yes. We provide feedback on external bills</p> <p>6 and we propose legislation to the Department that</p> <p>7 then reviews it. And it goes through multiple</p> <p>8 reviews. Sometimes it's submitted in the</p> <p>9 governor's plan and sometimes it is not.</p> <p>10 Q. And the Department is MDE?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And who do you report to?</p> <p>13 A. I report to Angela Mansfield, the assistant</p> <p>14 commissioner at MDE.</p> <p>15 Q. And who are your main reports? Who are the</p> <p>16 people who are reporting to you?</p> <p>17 A. My direct reports are the three</p> <p>18 supervisors: Eric Billiet, Michelle Kamenov, and</p> <p>19 Brad Hasskamp.</p> <p>20 Q. Are you ever called on to apply the First</p> <p>21 Amendment in your role?</p> <p>22 A. I'm not sure I understand.</p> <p>23 Q. Are you -- do you ever have to make</p> <p>24 decisions that require you to understand the</p> <p>25 requirements of the First Amendment?</p>

<p style="text-align: right;">Page 14</p> <p>1 MR. TIMMERMAN: Objection. Vague.</p> <p>2 You can answer if you know.</p> <p>3 A. I guess I'm not -- like, do people say,</p> <p>4 "Comment directly on the First Amendment"? No,</p> <p>5 ma'am. I guess I'm not -- it's not a part of my</p> <p>6 job --</p> <p>7 Q. Okay.</p> <p>8 A. -- duty as listed, I guess. So I guess</p> <p>9 it's pretty vague.</p> <p>10 Q. Do you have a sense of, like, what the</p> <p>11 First Amendment requires -- sorry, the Free</p> <p>12 Exercise requires?</p> <p>13 A. Freedom of speech.</p> <p>14 Q. The Free Exercise Clause.</p> <p>15 A. No, I do not.</p> <p>16 Q. Okay. The Establishment Clause?</p> <p>17 A. No, I do not.</p> <p>18 Q. Okay. Who was in your role before you?</p> <p>19 A. Paula Palmer.</p> <p>20 Q. Okay. So would she have been the person</p> <p>21 who introduced the amendment as a legislative</p> <p>22 proposal originally?</p> <p>23 A. Not directly. There's a process, and</p> <p>24 ultimately it's MDE that determines that the</p> <p>25 legislation moves to the governor, and then the</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. So you thought there wasn't sufficient</p> <p>2 clarity before?</p> <p>3 A. Correct.</p> <p>4 Q. So you thought -- so you thought that this</p> <p>5 was something that the statute required that it was</p> <p>6 wasn't clear to schools?</p> <p>7 MR. TIMMERMAN: Objection.</p> <p>8 Mischaracterizes testimony.</p> <p>9 You can answer.</p> <p>10 A. It had been stated on -- it had been stated</p> <p>11 that it was unclear and that the statute did not</p> <p>12 provide clarity on what our -- what the intention</p> <p>13 is, to provide access to PSEO without barriers.</p> <p>14 Q. Is that something that MDE could have done</p> <p>15 through regulation?</p> <p>16 A. Unclear what you are asking.</p> <p>17 Q. Could MDE not have clarified itself what</p> <p>18 the requirements were?</p> <p>19 A. That was not the guidance that we received.</p> <p>20 Q. Okay. I have some questions about how</p> <p>21 PSEOs -- PSEO schools seek to participate in the</p> <p>22 program. How -- what's the overview of how does a</p> <p>23 school apply to be an eligible institution under</p> <p>24 the PSEO statute?</p> <p>25 A. A postsecondary institution?</p>
<p style="text-align: right;">Page 15</p> <p>1 governor's team determines if it will be included.</p> <p>2 Q. Would she have been the one proposing it to</p> <p>3 be introduced to -- like, proposing it to the</p> <p>4 Department or spearheading it?</p> <p>5 A. Ultimately, yes, that would -- the</p> <p>6 assistant commissioner may be the person that</p> <p>7 actually -- it moves up the chain. We're a</p> <p>8 bureaucracy, and so it moves up the chain. And so</p> <p>9 ultimately the commissioner would have to be the</p> <p>10 one that approves it and then moves it forward to</p> <p>11 the governor's -- the initial proposal comes from</p> <p>12 program.</p> <p>13 Q. Okay. So when you started your role, what</p> <p>14 would your role have been in seeking the</p> <p>15 amendment -- passage of the amendment?</p> <p>16 A. So at that point -- that was last year -- I</p> <p>17 was the supervisor of dual credit. So I would have</p> <p>18 reviewed the proposal, worked with the proposal</p> <p>19 on -- to program, and passed it up to the director.</p> <p>20 Q. What did you see as the problem that the</p> <p>21 amendment was trying to solve?</p> <p>22 A. To offer clarity on the expectation for</p> <p>23 PSIs --</p> <p>24 Q. So you --</p> <p>25 A. -- participating in PSEO.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Yes.</p> <p>2 A. They submit a letter stating their intent</p> <p>3 with accompanying documentation that satisfies the</p> <p>4 criteria in the statute.</p> <p>5 Q. Do you know what that usually consists of,</p> <p>6 the accompanying materials?</p> <p>7 A. I do not.</p> <p>8 Q. Where would a -- do you know where a school</p> <p>9 would look -- a college or university would look to</p> <p>10 find out how to submit a request?</p> <p>11 A. It is online, and it's in a PSEO handbook.</p> <p>12 And there are not many anymore, but there are</p> <p>13 webinars that are held to support completion of the</p> <p>14 letter and process.</p> <p>15 Q. How is a school's application evaluated?</p> <p>16 A. As long as it aligns with statute and that</p> <p>17 the courses appear to be nonsectarian that they</p> <p>18 submit, if they meet statute requirements, they are</p> <p>19 typically approved.</p> <p>20 Q. How often do you see new applications?</p> <p>21 A. Rarely in -- rarely. I think it probably</p> <p>22 ebbs and flows, but we did expand from, in '21, 59</p> <p>23 programs providing PSEO to 64 this year.</p> <p>24 Q. Okay. Can you think of the last time a</p> <p>25 school with a religious mission applied?</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. TIMMERMAN: Objection. Vague as to</p> <p>2 the phrase "religious mission."</p> <p>3 You can answer.</p> <p>4 A. The number of approved private institutions</p> <p>5 is the same as it was the previous year.</p> <p>6 Q. Okay. Do schools have to submit a mission</p> <p>7 statement with their application?</p> <p>8 A. I do not know.</p> <p>9 Q. After an institution is approved for</p> <p>10 eligibility, what information does MDE review to</p> <p>11 ensure that it remains eligible?</p> <p>12 A. We do not periodically review. Once you're</p> <p>13 approved -- once an institution is approved, we do</p> <p>14 not.</p> <p>15 Q. Does MDE require schools to submit changes</p> <p>16 to their student handbook?</p> <p>17 A. We do not.</p> <p>18 Q. Academic admissions requirements?</p> <p>19 A. We do not.</p> <p>20 Q. Okay. Why is that?</p> <p>21 A. The original application or letter of</p> <p>22 intent also includes assurances and that they</p> <p>23 are -- and a signature from the institution stating</p> <p>24 that they are going to follow the processes and</p> <p>25 procedures and guidelines of offering a PSEO course</p>	<p style="text-align: right;">Page 20</p> <p>1 schools?</p> <p>2 A. It would be consistent for any institution</p> <p>3 offering PSEO.</p> <p>4 Q. Okay. Let's look at our first document.</p> <p>5 (Exhibit 1 was marked for</p> <p>6 identification.)</p> <p>7 Q. Please take a look at this and take your</p> <p>8 time to review it.</p> <p>9 A. (Reviewing document.)</p> <p>10 Q. You've had a chance to review?</p> <p>11 A. I have, yes.</p> <p>12 Q. Do you recognize this document?</p> <p>13 A. I do not.</p> <p>14 Q. Can you tell me what it is?</p> <p>15 A. It appears to be a letter and application</p> <p>16 of becoming a postsecondary enrollment provider.</p> <p>17 Q. Did you review any records in addition to</p> <p>18 this regarding Crown's initial approval to</p> <p>19 participate in the PSEO program in preparing for</p> <p>20 this deposition?</p> <p>21 A. I did not.</p> <p>22 Q. Okay. Let's look at this one next.</p> <p>23 (Exhibit 2 was marked for</p> <p>24 identification.)</p> <p>25 Q. Take a look and let me know when you've had</p>
<p style="text-align: right;">Page 19</p> <p>1 to students.</p> <p>2 Q. Does MDE keep a list of schools that are</p> <p>3 eligible to participate in PSEO?</p> <p>4 A. Yes. It's available on the website.</p> <p>5 Q. Are you aware of any tribal schools that</p> <p>6 participate in the PSEO program?</p> <p>7 A. There are.</p> <p>8 Q. Have you ever reviewed their admissions</p> <p>9 requirements?</p> <p>10 A. They would have submitted the same</p> <p>11 information per statute as anyone else. It's a</p> <p>12 static process for all institutions.</p> <p>13 Q. Are admissions requirements one of the</p> <p>14 required items to submit when you become an</p> <p>15 eligible institution?</p> <p>16 A. It's not a part of statute. I don't know.</p> <p>17 Q. Does MDE keep track of admissions policies</p> <p>18 that the schools have?</p> <p>19 A. I do not know.</p> <p>20 Q. If you wanted to find out about private</p> <p>21 school admission policies, how would you go about</p> <p>22 doing that?</p> <p>23 A. Well, we do ask if we receive a complaint,</p> <p>24 and then we ask the institution.</p> <p>25 Q. Would the answer be different for public</p>	<p style="text-align: right;">Page 21</p> <p>1 a chance to review.</p> <p>2 A. (Reviewing document.)</p> <p>3 MR. TIMMERMAN: There's one more on the</p> <p>4 back here.</p> <p>5 THE WITNESS: Oh, thank you.</p> <p>6 MR. TIMMERMAN: And I just want to</p> <p>7 clarify for you, Ms. Reynolds, when she's asking</p> <p>8 you if you've reviewed things to prepare, that</p> <p>9 would include anything that was provided to you in</p> <p>10 preparation for today.</p> <p>11 THE WITNESS: Correct.</p> <p>12 A. Okay.</p> <p>13 Q. Are you familiar with this document?</p> <p>14 A. Not in its entirety. I did not review much</p> <p>15 about Crown.</p> <p>16 Q. Okay.</p> <p>17 A. I do not recall reviewing much about Crown.</p> <p>18 Q. Do you know Jessie?</p> <p>19 A. I do not.</p> <p>20 Q. Okay. So if you look at page 1890 on the</p> <p>21 bottom right, that first paragraph of the letter</p> <p>22 says that Crown was approved as an eligible</p> <p>23 institution for the PSEO program; is that correct?</p> <p>24 A. That is what it says, yes.</p> <p>25 Q. Okay. Did you review any records in</p>

<p style="text-align: right;">Page 22</p> <p>1 addition to those here regarding Crown's</p> <p>2 application?</p> <p>3 A. I did not.</p> <p>4 Q. So you're not aware of any further records</p> <p>5 pertaining to the approval of Crown's application</p> <p>6 to participate in the PSEO program, correct?</p> <p>7 A. I am not.</p> <p>8 Q. And you haven't talked with anyone who had</p> <p>9 firsthand knowledge of the approval process?</p> <p>10 A. I did talk with Jeanne Krile.</p> <p>11 Q. And was she familiar with the original</p> <p>12 approval process?</p> <p>13 A. No, she wasn't, in her role.</p> <p>14 Q. Okay. So turning to 1886, there's a few</p> <p>15 duplicates here, but in the second paragraph, it</p> <p>16 says, "We request..."</p> <p>17 A. Yes.</p> <p>18 Q. Okay. "We request that Crown develop a</p> <p>19 separate, less restrictive application process for</p> <p>20 PSEO students. Once that process is ready to go,</p> <p>21 our approval of Crown College to receive PSEO</p> <p>22 funding will become effective."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So it says that Crown was going to</p>	<p style="text-align: right;">Page 24</p> <p>1 see a date.</p> <p>2 Q. At the top it just says, "Second Draft with</p> <p>3 Changes"; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. So could you -- you can't say one way or</p> <p>6 another if this was the final Crown application</p> <p>7 that MDE approved?</p> <p>8 A. I cannot.</p> <p>9 Q. And you couldn't know with certainty what</p> <p>10 the approved application included?</p> <p>11 A. I cannot.</p> <p>12 Q. Are you aware what statutory authority the</p> <p>13 Department believed it had to make that request of</p> <p>14 Crown to change its application process?</p> <p>15 A. So 124D.09 clarifies nonsectarian courses</p> <p>16 and that to exclude students from a public</p> <p>17 postsecondary education option would also be a</p> <p>18 barrier, using public funds to support a sectarian</p> <p>19 worldview.</p> <p>20 Q. So do you believe that authority comes from</p> <p>21 the nonsectarian requirement?</p> <p>22 A. I don't know for certain. I wouldn't say</p> <p>23 that conclusively, but it's certainly -- if it</p> <p>24 creates a barrier, then MDE is going to address it.</p> <p>25 Q. Has the Department's understanding of its</p>
<p style="text-align: right;">Page 23</p> <p>1 have to modify its application for approval,</p> <p>2 correct?</p> <p>3 A. Yes. Well, to receive funding.</p> <p>4 Q. Do you know if Crown modified its</p> <p>5 application?</p> <p>6 A. I do not.</p> <p>7 Q. Is there anything here that says Crown</p> <p>8 would have to notify MDE of changes made to its</p> <p>9 application process in the future?</p> <p>10 A. It appears that they're requesting that</p> <p>11 they submit it at this point, and once that process</p> <p>12 is ready to go, our approval will move forward so</p> <p>13 they could receive funding.</p> <p>14 Q. So it doesn't say to let them know if they</p> <p>15 modify their application in the future, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Do you know if Crown ever modified its</p> <p>18 application?</p> <p>19 A. I do not.</p> <p>20 Q. Would MDE have a record of that modified</p> <p>21 application?</p> <p>22 A. I do not know.</p> <p>23 Q. Okay. If you look at the back page, 1893,</p> <p>24 is this document dated?</p> <p>25 A. "Application deadline: June 1." I do not</p>	<p style="text-align: right;">Page 25</p> <p>1 authority changed since this time, since this</p> <p>2 application?</p> <p>3 A. I'm not sure I understand what you're</p> <p>4 asking.</p> <p>5 Q. If it had received this application in</p> <p>6 2023, before the amendment passed, would it have</p> <p>7 been able to request this change under the statute?</p> <p>8 A. Yes.</p> <p>9 Q. Because of the nonsectarian courses</p> <p>10 requirement?</p> <p>11 A. Because of the barrier that it creates for</p> <p>12 students to take PSEO at an institution that's been</p> <p>13 approved using public funds.</p> <p>14 Q. And so does -- is that a statutory</p> <p>15 requirement, that there not be barriers on</p> <p>16 institutions that are approved?</p> <p>17 A. Barriers on institutions or barriers by</p> <p>18 institutions?</p> <p>19 Q. By institutions.</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Were any other schools instructed to</p> <p>22 adopt a less restrictive application process for</p> <p>23 PSEO students?</p> <p>24 A. I don't know.</p> <p>25 Q. Okay. What about schools that only have a</p>

<p style="text-align: right;">Page 26</p> <p>1 small -- space for a small number of PSEO students?</p> <p>2 Is that a barrier?</p> <p>3 MR. TIMMERMAN: Objection. Vague.</p> <p>4 You can answer if you know.</p> <p>5 A. We don't keep track of how many spaces PSEO</p> <p>6 institution -- or PSIs report. We don't collect</p> <p>7 that information. So the enrollment -- application</p> <p>8 enrollment process is based on their</p> <p>9 self-determined capacity. MDE doesn't know what</p> <p>10 that is.</p> <p>11 Q. And they don't submit that as part of the</p> <p>12 application process?</p> <p>13 A. Not that I'm aware.</p> <p>14 Q. What does PSI stand for?</p> <p>15 A. Postsecondary institution.</p> <p>16 Q. Okay. What about schools with high GPA</p> <p>17 requirements? Is that a barrier?</p> <p>18 A. The statute pertains to that</p> <p>19 postsecondaries determine what their entrance</p> <p>20 admissions process is; we do not. If they have a</p> <p>21 GPA requirement, that, in statute, is their right</p> <p>22 to do so.</p> <p>23 Q. But it's not their right -- so how is that</p> <p>24 different for what -- for Crown's application?</p> <p>25 MR. TIMMERMAN: Objection. Vague.</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. TIMMERMAN: And I'll object on</p> <p>2 grounds that this has not been previously produced,</p> <p>3 but that's fine. I'll take your word that it's a</p> <p>4 public document since it has a URL at the bottom.</p> <p>5 A. (Reviewing document.) The first seven?</p> <p>6 Q. Mm-hmm. Yes.</p> <p>7 A. So up to "Apply to Multiple PSEO Programs"?</p> <p>8 Q. Yes.</p> <p>9 A. Okay.</p> <p>10 Q. So I'm looking at page 4 right now.</p> <p>11 A. "Course transferability"?</p> <p>12 Q. Yes. So it says the average unweighted GPA</p> <p>13 of admitted students is 3.93; is that correct?</p> <p>14 A. I see that on the page, yes.</p> <p>15 Q. And it says students who apply to U of M</p> <p>16 PSEO are admitted at a rate of 45 percent?</p> <p>17 A. That is what I see.</p> <p>18 Q. Okay. So according to this, the University</p> <p>19 of Minnesota's PSEO program is not available to all</p> <p>20 students who want to participate in it, correct?</p> <p>21 A. It is available to all students to apply to</p> <p>22 participate in it. These are the outcomes of those</p> <p>23 applications, if I'm understanding your question</p> <p>24 correctly.</p> <p>25 Q. And on page 7, second paragraph at the</p>
<p style="text-align: right;">Page 27</p> <p>1 BY MS. THOMSON:</p> <p>2 Q. So if the statute says that schools create</p> <p>3 their own admissions -- are responsible for their</p> <p>4 own admissions policies, how does MDE get the</p> <p>5 authority to change Crown's admissions policies?</p> <p>6 MR. TIMMERMAN: Objection. Asked and</p> <p>7 answered.</p> <p>8 You can answer again.</p> <p>9 A. Within statute, postsecondaries determine</p> <p>10 how students are admitted to their postsecondary</p> <p>11 courses. To the PSEO courses.</p> <p>12 Q. What about schools that only accept</p> <p>13 seniors, high school seniors, not juniors or</p> <p>14 sophomores? Is that a barrier?</p> <p>15 MR. TIMMERMAN: Objection. Vague.</p> <p>16 You can answer if you know.</p> <p>17 A. Again, statute clarifies that students that</p> <p>18 are going to take a PSEO course are determined by</p> <p>19 the institution.</p> <p>20 Q. Okay. Let's look at this document.</p> <p>21 (Exhibit 3 was marked for</p> <p>22 identification.)</p> <p>23 Q. I'll represent that this a printout from</p> <p>24 the University of Minnesota website. And I'm</p> <p>25 interested in just the first seven pages.</p>	<p style="text-align: right;">Page 29</p> <p>1 bottom, it says, "Given the competitive admissions</p> <p>2 process and the challenge of accessing these</p> <p>3 courses, we encourage you to apply to multiple PSEO</p> <p>4 programs to broaden your options"; is that correct?</p> <p>5 A. That is what I read, yes.</p> <p>6 Q. Okay. So more than half of the students</p> <p>7 that apply to the University of Minnesota are not</p> <p>8 allowed to take PSEO there because of their</p> <p>9 admissions requirements; is that correct?</p> <p>10 MR. TIMMERMAN: Objection. The</p> <p>11 document speaks for itself.</p> <p>12 You can answer.</p> <p>13 A. This is determined by the U of M based on</p> <p>14 their capacity. So many factors. I can't speak to</p> <p>15 why it's 45 percent.</p> <p>16 Q. Would you consider that restrictive?</p> <p>17 A. Not understanding how they calculated that,</p> <p>18 no.</p> <p>19 Q. So the University of Minnesota is allowed</p> <p>20 to restrict access to its program based on academic</p> <p>21 performance, correct?</p> <p>22 A. The University of Minnesota has established</p> <p>23 an admissions process that is wholly their</p> <p>24 responsibility in statute, and I can't characterize</p> <p>25 it one way or the other.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. What's the difference between that</p> <p>2 admissions process and Crown's admissions process?</p> <p>3 A. I'm not -- I wouldn't have the -- I don't</p> <p>4 know what their -- I don't participate in the</p> <p>5 U of M's application process and I do not</p> <p>6 participate in any other school's application</p> <p>7 process, so I am not aware of what is considered.</p> <p>8 All the data that they collect in their</p> <p>9 applications, we don't manage that at MDE.</p> <p>10 Q. Okay.</p> <p>11 (Exhibit 4 was marked for</p> <p>12 identification.)</p> <p>13 Q. Take a look and review this.</p> <p>14 A. And are we considering the entire -- do I</p> <p>15 need to look at the whole thing?</p> <p>16 Q. Let's see. Just the first few pages. Just</p> <p>17 up to the actual application, so 1775.</p> <p>18 A. (Reviewing document.) I've read up to</p> <p>19 "Bethel Covenant Commitments," 1779. Would you</p> <p>20 like me to go further?</p> <p>21 Q. That's okay. I'm looking at the front</p> <p>22 page.</p> <p>23 MR. TIMMERMAN: I'm going to object to</p> <p>24 this line of questioning regarding Exhibit 4 and</p> <p>25 Exhibit 3, because I think it's outside the scope</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Are you prepared to testify on that topic?</p> <p>2 A. As it relates to MDE's role, yes.</p> <p>3 Q. So you would be aware of MDE's role in the</p> <p>4 application process?</p> <p>5 A. Of individual institutions? No.</p> <p>6 Q. Okay. The front -- the first page of</p> <p>7 this -- of Exhibit 4, I think, there's a note that</p> <p>8 says, "Requires: church background, accept</p> <p>9 lifestyle, and pastor's recommendation"; is that</p> <p>10 correct?</p> <p>11 A. I see that, yes.</p> <p>12 Q. And there's another note that says, "For</p> <p>13 comparison." Do you know what this would have been</p> <p>14 compared to?</p> <p>15 A. I do not.</p> <p>16 Q. Could it have been Crown's application?</p> <p>17 MR. TIMMERMAN: Objection. Asked and</p> <p>18 answered.</p> <p>19 You can answer again.</p> <p>20 A. I have no idea where this comes from.</p> <p>21 Q. Okay. I'm looking at 1773. At the top it</p> <p>22 says -- under "Applying to Bethel," it says,</p> <p>23 "Bethel College has participated in the</p> <p>24 Postsecondary Enrollment Options Act since the</p> <p>25 program's inception in 1985"; is that correct?</p>
<p style="text-align: right;">Page 31</p> <p>1 of the 30(b)(6) notice. Individual schools'</p> <p>2 admissions criteria is not a topic that</p> <p>3 Ms. Reynolds has been identified to testify to nor</p> <p>4 is it a topic that's listed in the Rule 30(b)(6)</p> <p>5 notice.</p> <p>6 So with that caveat, Ms. Reynolds is</p> <p>7 testifying with respect to these exhibits based on</p> <p>8 her personal knowledge and in her personal</p> <p>9 capacity.</p> <p>10 BY MS. THOMSON:</p> <p>11 Q. We'll introduce this exhibit.</p> <p>12 (Exhibit 5 was marked for</p> <p>13 identification.)</p> <p>14 Q. Could you read Request for Designation</p> <p>15 Number 5? You can identify the whole document</p> <p>16 first.</p> <p>17 A. Could you restate, please, what your</p> <p>18 request is?</p> <p>19 Q. Sure. Are you familiar with this document?</p> <p>20 A. I have seen it, yes.</p> <p>21 Q. Could you read Request for Designation</p> <p>22 Number 5 on page 3?</p> <p>23 A. "The process and procedures by which</p> <p>24 families and postsecondary institutions can seek to</p> <p>25 participate in the PSEO program."</p>	<p style="text-align: right;">Page 33</p> <p>1 A. That could be correct.</p> <p>2 Q. And then under "Application Procedures,"</p> <p>3 the second-to-last requirement is a signed</p> <p>4 commitment to Bethel's Covenant for Life Together</p> <p>5 in the online application; is that correct?</p> <p>6 A. That's what I see, yes.</p> <p>7 Q. So would that have been a statement of</p> <p>8 faith?</p> <p>9 A. I don't know what the online application</p> <p>10 says.</p> <p>11 Q. You can look at page 1778 and 1779 and</p> <p>12 1780. I can wait.</p> <p>13 A. (Reviewing document.) Yes, this would be a</p> <p>14 concern. And if we received a complaint, we would</p> <p>15 have addressed it.</p> <p>16 Q. Do you know if MDE told Bethel they weren't</p> <p>17 allowed to require PSEO students to sign a</p> <p>18 statement of faith when it received these</p> <p>19 materials?</p> <p>20 A. I don't know what the original submission</p> <p>21 for the application in 1985 was, so I don't know</p> <p>22 what the communication was.</p> <p>23 Q. If it received -- but if it had received</p> <p>24 this as part of its application, do you know what</p> <p>25 they would have had to say?</p>

<p style="text-align: right;">Page 34</p> <p>1 MR. TIMMERMAN: Objection. Calls for 2 speculation. 3 You can answer if you know. 4 A. If we received this in the time that I've 5 been at MDE as a review for a submission to provide 6 PSEO, we would have stated that this is not -- this 7 would not be acceptable and could not be asked. 8 MS. THOMSON: We've been going for 9 about an hour. Let's take a break. 10 MR. TIMMERMAN: Sure. 11 (Break: 9:54 a.m. to 10:18 a.m.) 12 BY MS. THOMSON: 13 Q. So you said that you would have approved -- 14 remind me what you said when you talked about the 15 legislative process. You would have approved the 16 proposal to go to the Department and then on to the 17 legislature? 18 A. I believe what I said, and this should be 19 consistent to my previous answer, I do not recall, 20 but the process is the program proposes it, it goes 21 to the supervisor, who then approves it and moves 22 it on to the director, who then approves it, and it 23 goes to the AC and cabinet. And ultimately the 24 commissioner determines if that proposal is 25 submitted to the governor's office.</p>	<p style="text-align: right;">Page 36</p> <p>1 nonsectarian and the creation of barriers for 2 students to take PSEO courses. 3 Q. So you were told you did not have the 4 authority to do that and the statute was required 5 to -- an amendment to the statute was required to 6 create that authority? 7 A. That was the path that we took. There may 8 have been other suggestions as well, but that was 9 the one that we took. 10 Q. So who is "they"? Who told you that? 11 A. It was in collaboration with gov relations. 12 Q. So someone in government relations? 13 A. Was having conversations above us related 14 to the practice of faith statements. 15 Q. Would it have been Adosh Unni? 16 A. I believe so. But I don't know that we 17 were communicating directly with Adosh. We were 18 probably communicating with someone that he 19 directs. 20 Q. And would that have been people at the 21 program level doing that communication, like Beth 22 and Jeanne, or would it have been you? 23 A. It would have been all of us. 24 Q. And you said the problem the amendment was 25 trying to solve was to clarify the process. Any</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So "the program" would have been Beth 2 Barsness? 3 A. Yes. Well, Beth Barsness and Jeanne Krile 4 and others that also support the -- both the 5 processes. 6 Q. So did you talk to them about the proposal 7 that became the amendment when it was going through 8 the process? 9 A. Yes. 10 Q. What did you talk about? 11 A. In collaboration with gov relations, and I 12 don't recall who would have been our contact at 13 that point, we discussed crafting language that 14 clarified that faith statements could not be used 15 to determine whether or not a student had access to 16 PSEO courses. 17 Q. So this was something MDE had been doing 18 and you wanted to clarify it in the statute? 19 A. That we had been doing? 20 Q. You'd been -- 21 A. We had -- when we received complaints and 22 we worked with -- had discussions with 23 institutions, which is evidenced, I think, in some 24 of the emails going back and forth, they were 25 saying we did not have the authority to enforce the</p>	<p style="text-align: right;">Page 37</p> <p>1 other problems it was trying to solve? 2 A. We were attempting to clarify the stated 3 intention that we'd been stating for 20, 30 years, 4 and to reduce barriers for students taking PSEO 5 courses that are funded with public dollars. 6 Q. So you said you talked to Beth Barsness and 7 Jeanne Krile. 8 A. Krile. 9 Q. Krile. Anyone else? 10 A. No. 11 Q. Those would -- they would have been the 12 only two people you'd have talked to -- 13 A. Oh, about the legislation? 14 Q. About -- yes. About the proposal. 15 A. No. My role changed, so Eric Billiet would 16 have also been involved. Gayra Ostgaard. I'm not 17 sure that's the exhaustive list of people, but... 18 Q. And what were your thoughts about the 19 amendment when you first heard about it? 20 MR. TIMMERMAN: And I'll just object on 21 grounds that this is beyond the scope of the 22 30(b)(6) topics that Ms. Reynolds has been 23 identified to testify to. 24 So you can answer as to your personal 25 opinion, but you're not answering on behalf of MDE.</p>

<p style="text-align: right;">Page 38</p> <p>1 A. I'm not -- I guess I'm not clear what 2 you're asking for. So it was a process, so it was 3 a series of discussions. So it wasn't as if the 4 amendment was presented to me. It was a rigorous 5 process of creating language that was acceptable to 6 government relations, to the commissioner, to the 7 assistant commissioners. And so there was a lot of 8 back-and-forth. So it wasn't necessarily having a 9 reaction to it. 10 Q. When did you first hear about this 11 legislative proposal? 12 A. I couldn't even -- I couldn't recall a 13 specific date. I knew that it -- I knew we were 14 developing it. 15 Q. When you first started at MDE or when you 16 first started at -- in your current role? 17 A. When I started as a supervisor. Mary 18 Barrie, I think, was the first supervisor when it 19 was introduced. And it was not included -- I'm not 20 sure at what level it wasn't included, so I don't 21 know if it made it through the commissioner to the 22 governor's plan or the governor's -- I'm not really 23 sure where it was not moved forward. 24 Q. So by the time you started your role, it 25 had already been submitted as a proposal?</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. TIMMERMAN: Objection. 2 Mischaracterizes testimony. 3 You can answer. 4 A. The interest of the program in putting this 5 forward to MDE leadership was to resolve the issue 6 of barriers created to students accessing PSEO 7 courses that are funded with public dollars. 8 Q. Barriers to accessing PSEO courses funded 9 with PSEO dollars? 10 A. Public dollars. 11 Q. Public dollars. And you mentioned that 12 that is -- that there was statutory authority for 13 that kind of interest in preventing barriers; is 14 that right? 15 A. The nonsectarian clause, to us, clarified 16 that no specific line of belief or thought could 17 exclude students' access to taking PSEO courses 18 that are funded with public dollars. 19 Q. So you listed -- so when I asked you 20 before, you listed the nonsectarian clause and the 21 barriers as two separate kinds of authority, 22 sources of authority. But you only see that as one 23 source of -- like, do you see them as tied 24 together? 25 A. So if we had a public school or a public</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Correct. 2 Q. And you're not aware, before that, when it 3 would have initiated -- when it would have been 4 initiated? 5 A. From reviewing documents, it looks like 6 2018, 2019. 7 Q. While you were -- so while you were at MDE? 8 A. While I was at MDE in another role, yes. 9 Q. And would you have had any role in that in 10 your prior roles? 11 A. No. 12 Q. And what did you think about it when you 13 started your role? 14 MR. TIMMERMAN: I'll object again on 15 grounds that this exceeds the scope of the topics 16 Ms. Reynolds has been identified to testify on 17 MDE's behalf about. 18 You can testify in your personal capacity. 19 A. When I became a supervisor or a director? 20 Q. A director. 21 A. So I was aware of it by the time I was a 22 director and supported the submission for 23 consideration of our legislative proposals. 24 Q. And you thought the problem was religious 25 statements of faith; is that correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 institution that was creating barriers related to 2 religion, race, gender affiliation, any of those, 3 we would address it in the same way. Because this 4 is public funding, and they are providing credits 5 for students to graduate based on the public 6 statutes for what is required for graduation. In a 7 public institution, we would address it in the 8 exact same way. So they are related to one 9 another. 10 Q. But not a barrier based on GPA? 11 MR. TIMMERMAN: Objection. Vague. 12 You can answer if you know. 13 A. We -- those are admission criteria that 14 is -- if we received a complaint from a public 15 institution where they were using a protected 16 status as admissions to their program, we would 17 address it the exact same way. 18 Q. So -- but a student who couldn't attend a 19 school like Northwestern because their GPA wasn't 20 high enough, would that be a barrier to PSEO? 21 A. That's a determination for that 22 institution. 23 Q. But the student can't attend? 24 MR. TIMMERMAN: Objection. Asked and 25 answered.</p>

<p style="text-align: right;">Page 42</p> <p>1 You can answer again.</p> <p>2 A. I stand with the answer that I -- we</p> <p>3 don't -- we are not a part of the application</p> <p>4 review process at each postsecondary institution,</p> <p>5 so I don't know what considerations go into their</p> <p>6 decisions, and so I can't speak to that.</p> <p>7 Q. Without regard to their considerations,</p> <p>8 though, if a student came to you and said, "I</p> <p>9 couldn't get into this school because my GPA wasn't</p> <p>10 high enough," would you agree that they couldn't</p> <p>11 get into that school because their GPA wasn't high</p> <p>12 enough?</p> <p>13 MR. TIMMERMAN: Objection. Calls for</p> <p>14 speculation.</p> <p>15 A. And we don't have standing. We don't have</p> <p>16 standing related to the GPA required or the</p> <p>17 analysis made by that institution to admit that</p> <p>18 student based on the GPA.</p> <p>19 Q. So you don't have standing if the complaint</p> <p>20 is based on GPA?</p> <p>21 A. We don't have standing related to the</p> <p>22 application requirements of a public institution</p> <p>23 related to what prerequisites, what GPAs, as long</p> <p>24 as it is consistent across for every single</p> <p>25 student. Unless we received a complaint and we</p>	<p style="text-align: right;">Page 44</p> <p>1 different admission -- there's not a uniform: You</p> <p>2 have to have this as part of an admissions process</p> <p>3 that comes from MDE. That admissions process is</p> <p>4 determined at the local postsecondary institution.</p> <p>5 If it creates a barrier related to protected</p> <p>6 classes, then we would address it.</p> <p>7 Q. So the problem is if there's a barrier</p> <p>8 related to a protected class, whether it's an</p> <p>9 admissions requirement or a course -- whether it's</p> <p>10 at the admissions level or the course level?</p> <p>11 A. The institution admits students to their</p> <p>12 programs. We address PSEO course requirements and</p> <p>13 application requirements as a secondary</p> <p>14 consideration if there is bias that is contained in</p> <p>15 the admissions process. We don't regulate the</p> <p>16 admissions process. We do, because of the</p> <p>17 nonsectarian courses, do have a say in whether</p> <p>18 those courses will be funded.</p> <p>19 So if a sectarian course is provided to a</p> <p>20 student and it is named something else other than</p> <p>21 Pastoral Studies and it's named Civics, if it's</p> <p>22 named Civics, we would go through the file and not</p> <p>23 find an objection. If a parent or a student</p> <p>24 contacts us and says, "Well, it's really a pastoral</p> <p>25 class," then we address that with the institution</p>
<p style="text-align: right;">Page 43</p> <p>1 reached out and found that, you know, the GPA was</p> <p>2 masking something else, we couldn't address it.</p> <p>3 Q. You said public institution. Is that the</p> <p>4 case for a private institution too?</p> <p>5 A. It is the same.</p> <p>6 Q. So you wouldn't address a complaint based</p> <p>7 on academic achievement; that a student couldn't</p> <p>8 get into a PSEO school based on academic</p> <p>9 achievement?</p> <p>10 A. We do not address that. That's up to the</p> <p>11 individual institution.</p> <p>12 Q. Okay. But a student that said, "I couldn't</p> <p>13 get in because of an application requirement that I</p> <p>14 sign a statement of faith," you wouldn't be able to</p> <p>15 address that?</p> <p>16 A. We would be able to address that as a</p> <p>17 barrier.</p> <p>18 Q. And that would be an admissions requirement</p> <p>19 that you'd be addressing?</p> <p>20 A. That would be a barrier to the student</p> <p>21 participating in PSEO courses with public funding.</p> <p>22 Q. And the barrier is an admissions</p> <p>23 requirement?</p> <p>24 A. It wouldn't have to be exclusively an</p> <p>25 admissions requirement. Because they each have</p>	<p style="text-align: right;">Page 45</p> <p>1 to get clarity. So we address it at how we fund</p> <p>2 the courses.</p> <p>3 Q. Not at the admissions level?</p> <p>4 A. If the admission is part of the barrier to</p> <p>5 getting access to courses that are funded with</p> <p>6 public dollars, then we address the admission.</p> <p>7 Q. And this -- the Bethel document we just</p> <p>8 reviewed, that's an admissions issue?</p> <p>9 MR. TIMMERMAN: Objection. Vague. The</p> <p>10 document speaks for itself.</p> <p>11 You can answer if you know.</p> <p>12 A. As it's presented, that would be a concern,</p> <p>13 and we would reach out to the institution to ask.</p> <p>14 Q. Okay. But if a student can't get into the</p> <p>15 University of Minnesota because of their GPA,</p> <p>16 that's a program that's funded by public dollars,</p> <p>17 correct?</p> <p>18 A. But that's their admission criteria based</p> <p>19 on academic performance of the student. So I think</p> <p>20 I've stated that before; that is up to the</p> <p>21 institution. If they want to require course</p> <p>22 prerequisites, if they want to require GPA to</p> <p>23 participate in PSEO, each individual institution</p> <p>24 has the authority to do that under statute.</p> <p>25 Q. So there's no problem with public dollars</p>

<p style="text-align: right;">Page 46</p> <p>1 going to that?</p> <p>2 A. Statute doesn't prohibit that.</p> <p>3 Q. What prevents a PSI from making religious</p> <p>4 admissions requirements?</p> <p>5 A. It shows we would not allow a public school</p> <p>6 to make religious requirements or implement</p> <p>7 discriminatory practices of taking courses. It's</p> <p>8 the same for a private institution. And so our</p> <p>9 technical guidance is exactly the same.</p> <p>10 Q. Okay. So we were talking about the</p> <p>11 legislative process. What -- when did the proposal</p> <p>12 go -- so it had already become a proposal by the</p> <p>13 time you became a director. Where was it in the</p> <p>14 process when you became a director?</p> <p>15 A. So the program had put it forward already</p> <p>16 as a proposal for consideration under the new --</p> <p>17 the next legislative session. I believe it was the</p> <p>18 fourth or fifth year that it had been put forward.</p> <p>19 So when I became a director, it moved to gov</p> <p>20 relations, I believe.</p> <p>21 Q. Remind me, when was that? When did you</p> <p>22 become a director?</p> <p>23 A. August of '22.</p> <p>24 Q. '22. So it was in 2023 that the</p> <p>25 proposal -- so in 2022, did it make it into the</p>	<p style="text-align: right;">Page 48</p> <p>1 in your personal capacity. You can answer, but</p> <p>2 it's not on behalf of MDE.</p> <p>3 BY MS. THOMSON:</p> <p>4 Q. You can answer on your personal capacity.</p> <p>5 A. We have -- we have -- we had a lot of</p> <p>6 legislative proposals, internal and external. So I</p> <p>7 know that the ultimate outcome was that it was</p> <p>8 included with the governor's bill. I don't</p> <p>9 remember having -- I don't remember individual</p> <p>10 conversations about this until it was introduced.</p> <p>11 Q. Once it was introduced you had</p> <p>12 conversations about it?</p> <p>13 A. With Adosh Unni, who was providing feedback</p> <p>14 on multiple bills from legislators and community</p> <p>15 members.</p> <p>16 Q. And you said you were also talking with</p> <p>17 Beth Barsness and Jeanne?</p> <p>18 A. Well, they would have been included in the</p> <p>19 conversations to a degree, but at that point it's</p> <p>20 part of the governor's plan, so there isn't much</p> <p>21 more -- you know, the governor may ask for the</p> <p>22 language to be tweaked, and so then Adosh delivers</p> <p>23 that to us and we consider it. And I don't</p> <p>24 remember any of that happening. It was more of</p> <p>25 updates on reactions to the language that was</p>
<p style="text-align: right;">Page 47</p> <p>1 bill language?</p> <p>2 A. I don't know about '22, which would have</p> <p>3 been before I started. That would have been in</p> <p>4 January.</p> <p>5 Q. So you would not have been involved in</p> <p>6 that?</p> <p>7 A. I don't recall.</p> <p>8 Q. So were you involved in the 2023 process?</p> <p>9 A. It was already with gov relations, so, yes,</p> <p>10 then I was part of that process and that</p> <p>11 discussion. I would have been part of the</p> <p>12 discussion previously. I was a supervisor. But I</p> <p>13 don't -- it had already been submitted and it was</p> <p>14 repeatedly submitted. So it was already submitted</p> <p>15 and everyone was familiar with the language.</p> <p>16 Q. So what kind of discussions were happening</p> <p>17 at the time that you became a director as it was</p> <p>18 going into the -- as it was making it into the bill</p> <p>19 language?</p> <p>20 MR. TIMMERMAN: I'm going to object.</p> <p>21 This entire line of questioning is well beyond the</p> <p>22 scope of what Ms. Reynolds has been designated to</p> <p>23 testify to. This is what Mr. Unni was designated</p> <p>24 to testify to.</p> <p>25 So any testimony you give in this regard is</p>	<p style="text-align: right;">Page 49</p> <p>1 included in the governor's plan.</p> <p>2 Q. So there would have been updates and you</p> <p>3 would have reacted to those updates?</p> <p>4 A. Again, we get -- we would get biweekly</p> <p>5 updates as a whole agency, as MDE. And Adosh would</p> <p>6 reach out specifically, so I can't speak to the</p> <p>7 frequency of those updates specifically on this</p> <p>8 legislation. I don't recall.</p> <p>9 Q. Was this an important proposal for you to</p> <p>10 see pass in the bill?</p> <p>11 A. I supported the submission of it. And,</p> <p>12 again, I believe it was the fourth or fifth time</p> <p>13 that it had been submitted, so we were realistic.</p> <p>14 Q. Do you know what was different this time</p> <p>15 than the prior times?</p> <p>16 A. I do not.</p> <p>17 Q. What -- so once the bill -- so you received</p> <p>18 updates. Were you aware of the bill as it was</p> <p>19 going through the House and the Senate process? Of</p> <p>20 the language.</p> <p>21 A. Not specifically.</p> <p>22 Q. Did you have any conversations about it at</p> <p>23 that point?</p> <p>24 A. When it was going through the House, the</p> <p>25 updates from Adosh, when he provided them,</p>

<p style="text-align: right;">Page 50</p> <p>1 specifically about that statute. Or that proposed</p> <p>2 bill and its progress or the questions that were</p> <p>3 coming up.</p> <p>4 Q. And were you -- after the language passed,</p> <p>5 were you aware of that?</p> <p>6 A. I'm sure I was. We had a lot of</p> <p>7 legislative proposals, and a number of them passed</p> <p>8 and had to be processed through our division.</p> <p>9 Q. Did you have any conversations about it at</p> <p>10 that point once it passed?</p> <p>11 A. I don't recall.</p> <p>12 Q. And what --</p> <p>13 A. Not specifically.</p> <p>14 Q. What would the processing have looked like?</p> <p>15 A. Creating guidance around the statute</p> <p>16 language.</p> <p>17 Q. Has guidance been created around that</p> <p>18 statutory language yet?</p> <p>19 A. I do not recall.</p> <p>20 Q. So you talked with Adosh Unni. Anyone else</p> <p>21 from government relations that you're aware of?</p> <p>22 A. Oh, it could have been Shana Morse. It may</p> <p>23 have been Megan Arriola.</p> <p>24 Q. And Beth and Jeanne. Anyone else from your</p> <p>25 department?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. We would not have discussed it outside of</p> <p>2 MDE.</p> <p>3 Q. Okay. And with the people you talked</p> <p>4 about, what was the opinion -- what were their</p> <p>5 opinions of the proposal and the amendment?</p> <p>6 MR. TIMMERMAN: Objection. Calls for</p> <p>7 speculation.</p> <p>8 BY MS. THOMSON:</p> <p>9 Q. To your knowledge. As far as you know.</p> <p>10 A. I don't recall.</p> <p>11 Q. Beth Barsness?</p> <p>12 MR. TIMMERMAN: Objection. Asked and</p> <p>13 answered.</p> <p>14 A. She was -- she's program, so she helped to</p> <p>15 develop it in the first place when it was</p> <p>16 originally introduced.</p> <p>17 Q. So she thought it was important?</p> <p>18 A. I can't determine what her level of support</p> <p>19 was. She supported it being forwarded to the</p> <p>20 legislature for consideration.</p> <p>21 Q. And Jeanne?</p> <p>22 A. I have no idea.</p> <p>23 Q. Cathy Erickson?</p> <p>24 A. She was new. I don't recall.</p> <p>25 Q. Mm-hmm. What about Adosh?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. So Jeanne's not -- she's in finance, so</p> <p>2 she's not a member of my staff. So at that point,</p> <p>3 once it was introduced, I wouldn't have continued</p> <p>4 to talk with Jeanne. I would have been talking</p> <p>5 with the finance director.</p> <p>6 Q. Okay. And who was the finance director?</p> <p>7 A. I think it was either vacant or Cathy</p> <p>8 Erickson had taken it at that point.</p> <p>9 Q. And what would you have talked about with</p> <p>10 her?</p> <p>11 A. Probably the collaborative rolling out of</p> <p>12 guidance.</p> <p>13 Q. And, again, you said there hasn't been</p> <p>14 guidance on this yet?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Have you started working on guidance for</p> <p>17 this?</p> <p>18 A. I don't -- no, I think they put this on</p> <p>19 hold. It's been on hold.</p> <p>20 Q. Because of the lawsuit, the injunction?</p> <p>21 A. And we had many other legislative proposals</p> <p>22 that we had to provide guidance on, so we</p> <p>23 prioritized those.</p> <p>24 Q. Okay. Anyone else you would have talked to</p> <p>25 about it, in or out of MDE?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. I don't recall. That's --</p> <p>2 Q. I should have asked --</p> <p>3 A. He rarely -- he doesn't necessarily weigh</p> <p>4 in. Once it's on the governor's plan, it's on the</p> <p>5 governor's plan.</p> <p>6 Q. Did you speak with Adosh about his</p> <p>7 testimony with -- his meeting with us the other</p> <p>8 day, his deposition?</p> <p>9 A. I didn't.</p> <p>10 Q. Can you recall anything specific he would</p> <p>11 have said about it, about the proposal?</p> <p>12 A. Related to his feelings about the proposal?</p> <p>13 I'm not clear what you're asking.</p> <p>14 Q. Yeah, or anything -- yeah, anything</p> <p>15 specific.</p> <p>16 A. We had conversations about the wording.</p> <p>17 There was maybe some discussion of is it -- you</p> <p>18 know, do we call it faith statement? Do we call it</p> <p>19 something else? And I think that was in response</p> <p>20 to a legislator's questioning. I don't recall</p> <p>21 specifically. But that's my vague recollection. I</p> <p>22 don't have specifics.</p> <p>23 Q. Do you recall anything that Beth said</p> <p>24 specifically about it?</p> <p>25 A. No. At what point?</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. At any time since you were a specialist.</p> <p>2 A. Not specifically. I mean, I'm sure we had</p> <p>3 conversations. I don't recall.</p> <p>4 Q. Okay. All right. Let's look at the next</p> <p>5 document.</p> <p>6 (Exhibit 6 was marked for</p> <p>7 identification.)</p> <p>8 Q. Just the first page.</p> <p>9 A. (Reviewing document.)</p> <p>10 Q. Have you had a chance to review?</p> <p>11 A. I did.</p> <p>12 Q. So this is a 2006 approval for Bethel to</p> <p>13 participate in the PSEO program; is that right?</p> <p>14 A. That's what it appears to be, yes.</p> <p>15 Q. Do you know, if Bethel had been</p> <p>16 participating in PSEO since 1985, why they would</p> <p>17 have been accepted as an eligible institution in</p> <p>18 2006?</p> <p>19 A. I do not.</p> <p>20 Q. In the second paragraph -- if you could</p> <p>21 just take a look at the second paragraph. Does</p> <p>22 that say anything about Bethel's requirement of a</p> <p>23 signed commitment to Bethel's covenant life</p> <p>24 together that we looked at in the last document?</p> <p>25 MR. TIMMERMAN: Objection. The</p>	<p style="text-align: right;">Page 56</p> <p>1 limited to what they cited or if that's the entire</p> <p>2 application process. I wouldn't know that.</p> <p>3 Q. Does MDE consider Bethel to be providing a</p> <p>4 public education for purposes of the PSEO program?</p> <p>5 MR. TIMMERMAN: Objection. Vague.</p> <p>6 You can answer if you understand.</p> <p>7 A. I'm not really understanding. I don't want</p> <p>8 to guess.</p> <p>9 Q. Does MDE have a definition of what it means</p> <p>10 to provide a public education?</p> <p>11 A. So a public education, I don't know if we</p> <p>12 have an official definition. I guess we all know</p> <p>13 what it means. Public education is something that</p> <p>14 is accessible to any student in the state for</p> <p>15 purposes of meeting the graduation requirements for</p> <p>16 public education students in the state of</p> <p>17 Minnesota. And at the local level as well.</p> <p>18 Q. So would you consider Bethel's</p> <p>19 participation in the PSEO program to be providing a</p> <p>20 public education?</p> <p>21 A. They are providing courses that apply to</p> <p>22 the public education requirements in the state.</p> <p>23 (Ms. Demeules entered the proceedings.)</p> <p>24 Q. The public education requirements. So</p> <p>25 could a private school -- so a private school</p>
<p style="text-align: right;">Page 55</p> <p>1 document speaks for itself.</p> <p>2 You can read it and answer.</p> <p>3 A. It appears to say that it is too</p> <p>4 restrictive and they would not be able to access</p> <p>5 PSEO program funding with that requirement in</p> <p>6 place.</p> <p>7 Q. So the first sentence in that second</p> <p>8 paragraph says, "Bethel's current admission process</p> <p>9 requires applicants to 'give evidence of Christian</p> <p>10 faith' and be recommended by a pastor."</p> <p>11 So that's two of the three requirements we</p> <p>12 looked at in the -- in Bethel's application. Does</p> <p>13 it say anything about the signed statement of</p> <p>14 faith?</p> <p>15 MR. TIMMERMAN: Same objection.</p> <p>16 A. It references the application process.</p> <p>17 Q. But not the signed lifestyle statement?</p> <p>18 A. It just references the application process,</p> <p>19 so I don't know if that was included or not.</p> <p>20 Q. So as far as you know, it doesn't</p> <p>21 specifically say that Bethel cannot include the</p> <p>22 lifestyle requirement of the covenant life --</p> <p>23 covenant for life together?</p> <p>24 A. It references a less restrictive</p> <p>25 application process. I don't know if that was</p>	<p style="text-align: right;">Page 57</p> <p>1 providing a private education, would that</p> <p>2 contribute to the public school requirements? What</p> <p>3 do you mean by "public school requirements"? I'm</p> <p>4 trying to understand.</p> <p>5 A. So public school graduation requirements.</p> <p>6 So the state has standard requirements for content</p> <p>7 areas that are required for graduation and --</p> <p>8 Q. High school graduation?</p> <p>9 A. For high school graduation. Yes. Thank</p> <p>10 you. And then local districts for which these</p> <p>11 students are also enrolled, and have to be to be in</p> <p>12 PSEO, can also have local graduation requirements</p> <p>13 on top of that. So it's -- there's the state</p> <p>14 requirements and then there are local requirements</p> <p>15 for the districts to which the students are</p> <p>16 enrolled.</p> <p>17 Q. So how does a student at a private high</p> <p>18 school meet public graduation requirements? How</p> <p>19 does that work?</p> <p>20 A. Related to PSEO?</p> <p>21 Q. No.</p> <p>22 A. They --</p> <p>23 Q. Just a student at a private high school.</p> <p>24 A. That's not a requirement of a student in a</p> <p>25 private high school.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. So there's no graduation requirements for a</p> <p>2 student at a private high school?</p> <p>3 A. Correct.</p> <p>4 Q. So if you're participating in a public</p> <p>5 education program, you have graduation requirements</p> <p>6 and your education has to meet those requirements,</p> <p>7 but if you are participating in a private school,</p> <p>8 you don't have to meet those -- you don't have to</p> <p>9 meet high school graduation requirements for</p> <p>10 purposes of MDE?</p> <p>11 A. If you are enrolled in a public institution</p> <p>12 that is funded by public dollars, then those</p> <p>13 institutions follow the graduation standards,</p> <p>14 correct.</p> <p>15 Q. Are there standards that private schools</p> <p>16 have to follow?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 MR. BAXTER: Was that a yes or a no?</p> <p>20 A. No.</p> <p>21 (Exhibit 7 was marked for</p> <p>22 identification.)</p> <p>23 MR. TIMMERMAN: I'm going to object to</p> <p>24 that last line of questioning also just on grounds</p> <p>25 that it exceeds the scope of the 30(b)(6) topics</p>	<p style="text-align: right;">Page 60</p> <p>1 say that that would affect its eligibility?</p> <p>2 A. It would take further conversation,</p> <p>3 correct.</p> <p>4 Q. Is ability to provide nonsectarian courses</p> <p>5 the same answer?</p> <p>6 A. I don't see courses listed on here, so I</p> <p>7 couldn't speak to what courses they're offering.</p> <p>8 Q. So if it teaches courses in an atmosphere</p> <p>9 of Christian teaching, learning, and living, that</p> <p>10 doesn't tell you enough?</p> <p>11 A. Correct.</p> <p>12 Q. What would a further conversation on that</p> <p>13 look like?</p> <p>14 A. Without the other person here, I don't</p> <p>15 know.</p> <p>16 Q. Would you only have that conversation if</p> <p>17 you had a complaint about it or would this be</p> <p>18 something that MDE would ever review on its own?</p> <p>19 A. We would not be -- we would not be</p> <p>20 reviewing documents like this. So typically it's</p> <p>21 provided from outside, and we don't regularly</p> <p>22 review admissions. So once we became aware of it,</p> <p>23 we would ask.</p> <p>24 Q. And what kind of questions would you ask?</p> <p>25 A. What does "an atmosphere of Christian</p>
<p style="text-align: right;">Page 59</p> <p>1 Ms. Reynolds has been designated to testify to. So</p> <p>2 treat those answers as her personal opinion. Go</p> <p>3 ahead.</p> <p>4 BY MS. THOMSON:</p> <p>5 Q. You've had a chance to review?</p> <p>6 A. I have.</p> <p>7 Q. Do you recognize this document?</p> <p>8 A. I do not.</p> <p>9 Q. Is it a Statement of Admission from Bethany</p> <p>10 Lutheran College?</p> <p>11 A. That's what it says at the top.</p> <p>12 Q. Okay. And it says in the first</p> <p>13 paragraph -- I'm sorry. Second paragraph, it says</p> <p>14 the college provides "an atmosphere of Christian</p> <p>15 teaching, learning, and living"; is that right?</p> <p>16 A. That is what it says.</p> <p>17 Q. Okay. Would that affect its eligibility</p> <p>18 for PSEO?</p> <p>19 MR. TIMMERMAN: Objection. Vague.</p> <p>20 You can answer if you know.</p> <p>21 A. It is very vague. I don't -- I'm not sure</p> <p>22 what "Christian teaching, learning, and living" is</p> <p>23 defined as, so I don't know what that would mean,</p> <p>24 and we would engage in a conversation.</p> <p>25 Q. So without more information, you wouldn't</p>	<p style="text-align: right;">Page 61</p> <p>1 teaching, learning, and living," how are you</p> <p>2 defining that?</p> <p>3 Q. And how would you evaluate the answer?</p> <p>4 A. Based on the responses they give to that</p> <p>5 question.</p> <p>6 Q. But what would you need to know to</p> <p>7 determine --</p> <p>8 A. I can't consider a hypothetical. Like, I</p> <p>9 don't know what they mean by "Christian teaching,</p> <p>10 learning, and living." If that means -- if every</p> <p>11 course is precluded with prayer and that's how they</p> <p>12 define it, then that would be a concern for us.</p> <p>13 Q. So it says -- the last sentence, it says,</p> <p>14 "If a student persists in challenging or</p> <p>15 disparaging the teachings of the Synod, the college</p> <p>16 reserves the right" to eventually terminate</p> <p>17 enrollment at Bethany; is that right?</p> <p>18 A. That's what it says.</p> <p>19 Q. So would that be considered a statement of</p> <p>20 faith requirement --</p> <p>21 MR. TIMMERMAN: Objection --</p> <p>22 BY MS. THOMSON:</p> <p>23 Q. -- under the amendment?</p> <p>24 MR. TIMMERMAN: Objection. Vague.</p> <p>25 You can answer if you know.</p>

<p style="text-align: right;">Page 62</p> <p>1 A. Well, and this appears to be for the</p> <p>2 college students, so I don't know if this is also</p> <p>3 their admission policies for PSEO students. That's</p> <p>4 not clear to me on here, so...</p> <p>5 Q. If it was a PSEO policy?</p> <p>6 MR. TIMMERMAN: Objection. Vague and</p> <p>7 calls for speculation.</p> <p>8 You can answer.</p> <p>9 A. I don't have a response.</p> <p>10 Q. So you wouldn't -- you don't have a</p> <p>11 response on whether that would be restrictive?</p> <p>12 A. Without additional conversation, no.</p> <p>13 MR. TIMMERMAN: Objection.</p> <p>14 BY MS. THOMSON:</p> <p>15 Q. What would be the first step to approach a</p> <p>16 complaint about a student who had been terminated</p> <p>17 under these criteria?</p> <p>18 MR. TIMMERMAN: Objection. Vague.</p> <p>19 Calls for speculation.</p> <p>20 You can answer if you know.</p> <p>21 A. If the student contacted us, it would be</p> <p>22 getting initially probably a conversation with the</p> <p>23 student and/or their family. And then it would</p> <p>24 be -- based on those answers, it would be reaching</p> <p>25 out to Bethany Lutheran College to ask -- to have</p>	<p style="text-align: right;">Page 64</p> <p>1 challenged or disparaged the teachings of the</p> <p>2 church is not clear to you if that's creating a</p> <p>3 barrier?</p> <p>4 A. If enrollment is terminated, then we do not</p> <p>5 pay for the course.</p> <p>6 Q. So MDE would have no involvement after</p> <p>7 termination, after enrollment was terminated?</p> <p>8 A. It's not a situation we've run into, no.</p> <p>9 Q. No matter what the reason for the</p> <p>10 termination was?</p> <p>11 A. It would be hard to determine that based on</p> <p>12 trying to guess at all the possibilities that</p> <p>13 students could be terminated. So, again, it would</p> <p>14 be part of a conversation, and depending on what</p> <p>15 was the outcome of that conversation, we would have</p> <p>16 continued conversation, perhaps, with the family</p> <p>17 and with the postsecondary institution.</p> <p>18 Q. And a continuing conversation, could that</p> <p>19 lead -- could that lead to the school being denied</p> <p>20 eligibility to the program?</p> <p>21 MR. TIMMERMAN: Objection. Calls for</p> <p>22 speculation.</p> <p>23 A. Right. And they're already approved. So</p> <p>24 if they're already approved, it's not an</p> <p>25 eligibility requirement; it is whether or not we</p>
<p style="text-align: right;">Page 63</p> <p>1 further conversation.</p> <p>2 Q. So what would you -- like, what would be</p> <p>3 the line -- are you prepared to testify on the</p> <p>4 process and procedures by which families and</p> <p>5 postsecondary institutions can seek to participate</p> <p>6 in the PSEO program?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So what is the line that MDE has</p> <p>9 that would have to be violated in a situation like</p> <p>10 this where a student was expelled because they</p> <p>11 challenged or disparaged the teachings of the --</p> <p>12 the religious teachings of the schools?</p> <p>13 A. So it doesn't say "expulsion." It says</p> <p>14 "terminate enrollment." And so the line would be</p> <p>15 if the student was objecting because they were</p> <p>16 being asked to pray, for example. Or the course,</p> <p>17 even though it was listed as sectarian, was</p> <p>18 actually -- or as nonsectarian was.</p> <p>19 So, again, it's based on the answers, the</p> <p>20 concerns brought by the student, and if the</p> <p>21 responses by the postsecondary institution</p> <p>22 supported that they were creating barriers to</p> <p>23 accessing PSEO that violated nonsectarian</p> <p>24 expectations, that would be continued conversation.</p> <p>25 Q. So terminating enrollment because a student</p>	<p style="text-align: right;">Page 65</p> <p>1 will fund their PSEO courses.</p> <p>2 Q. So the consequence would be not funding the</p> <p>3 course?</p> <p>4 A. Correct.</p> <p>5 Q. Would you consider Bethany, in providing</p> <p>6 PSEO classes, to be providing a public education?</p> <p>7 A. Correct.</p> <p>8 Q. And Augsburg, do their PSEO classes provide</p> <p>9 a public education?</p> <p>10 A. They meet public education requirements for</p> <p>11 students, yes.</p> <p>12 Q. And same for other private schools</p> <p>13 participating in the PSEO program?</p> <p>14 A. Correct. Because to be a dual credit PSEO,</p> <p>15 you have to award credit at the high school and the</p> <p>16 college level, so...</p> <p>17 Q. The college has to award credit at the high</p> <p>18 school level?</p> <p>19 A. The high school has to award credit at the</p> <p>20 high school level. Without the dual credit</p> <p>21 assignment, then, again, that course would not be</p> <p>22 paid -- the postsecondary would not be paid for</p> <p>23 that course. It is a requirement that high schools</p> <p>24 transcript award credit.</p> <p>25 Q. Is that the same for private and public</p>

<p style="text-align: right;">Page 66</p> <p>1 high schools?</p> <p>2 A. It's the same, yes, requirement.</p> <p>3 Q. If -- does MDE have a position on what it</p> <p>4 means to be a state actor?</p> <p>5 MR. TIMMERMAN: Objection. Calls for a</p> <p>6 legal conclusion.</p> <p>7 You can answer if you know.</p> <p>8 A. We never had a decision about state actors.</p> <p>9 Q. Have you ever -- has MDE ever informed</p> <p>10 private schools that they consider them to be</p> <p>11 providing a public education in the PSEO process?</p> <p>12 A. So, again, I would say it's the providing</p> <p>13 and awarding credit that also relates to graduation</p> <p>14 credits required for public school institutions.</p> <p>15 And based on the fact they cannot provide non- --</p> <p>16 they cannot provide sectarian -- sorry for the</p> <p>17 fatigue. They cannot require religiously focused</p> <p>18 courses because of the public funding.</p> <p>19 Has it been explicitly stated? Probably,</p> <p>20 but I couldn't recall a specific document. But</p> <p>21 that would be part of the expectation, and has been</p> <p>22 a part of the conversations we've had when we've</p> <p>23 received complaints.</p> <p>24 Q. That -- so part of the conversations when</p> <p>25 you receive a complaint is that you believe the</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. So this is Augsburg's form from 2023; is</p> <p>2 that correct?</p> <p>3 A. That's what it says.</p> <p>4 Q. Is this the current eligibility form if a</p> <p>5 school applies for the PSEO program?</p> <p>6 A. I don't know.</p> <p>7 Q. Are you familiar with the current form?</p> <p>8 A. I'm familiar that there is a form. I have</p> <p>9 seen the form before. I don't know if it is the</p> <p>10 current form. That's a program decision.</p> <p>11 Q. How long has this form been in place?</p> <p>12 A. I do not know.</p> <p>13 Q. Do you know why it was created?</p> <p>14 A. To provide clarity to programs who are</p> <p>15 applying, postsecondary institutions applying to</p> <p>16 provide PSEO courses.</p> <p>17 Q. So the school fills this out and submits it</p> <p>18 to MDE?</p> <p>19 A. Correct.</p> <p>20 Q. It's not a form that -- it's not an</p> <p>21 internal MDE form?</p> <p>22 A. No, it is outward-facing. Correct.</p> <p>23 Q. So is this available to schools on MDE's</p> <p>24 website?</p> <p>25 A. I believe so.</p>
<p style="text-align: right;">Page 67</p> <p>1 schools are providing a public education to PSEO</p> <p>2 students?</p> <p>3 A. They are receiving public funding to</p> <p>4 provide graduation requirements against the public</p> <p>5 graduation requirements and credits and standards</p> <p>6 and the local public school graduation</p> <p>7 requirements, yes.</p> <p>8 MR. TIMMERMAN: We've been going about</p> <p>9 an hour here. Would you like to take a break?</p> <p>10 THE WITNESS: Do I need it? Yes, I</p> <p>11 probably do.</p> <p>12 (Break: 11:08 a.m. to 11:22 a.m.)</p> <p>13 BY MS. THOMSON:</p> <p>14 Q. Let's look at the next document.</p> <p>15 (Exhibit 8 was marked for</p> <p>16 identification.)</p> <p>17 A. (Reviewing document.)</p> <p>18 Q. Okay?</p> <p>19 A. Okay.</p> <p>20 Q. Are you familiar with this document?</p> <p>21 A. I have not seen it before.</p> <p>22 Q. It's an institutional eligibility form; is</p> <p>23 that correct?</p> <p>24 A. Yes. I've seen a blank institutional</p> <p>25 eligibility form, but not Augsburg's.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. You testified before that once a school is</p> <p>2 eligible, that doesn't change. So is it correct to</p> <p>3 say that this does not apply retroactively to</p> <p>4 schools that are already eligible?</p> <p>5 MR. TIMMERMAN: Objection. Vague.</p> <p>6 A. I'm not sure what you're asking.</p> <p>7 Q. So this is the form. This is the</p> <p>8 current -- this is a 2023 eligibility form. If</p> <p>9 there's a school that has already received</p> <p>10 eligibility without this form, would this form</p> <p>11 dictate that school's eligibility for PSEO?</p> <p>12 A. I can't speak to why a program would</p> <p>13 have -- I don't know the status of Augsburg</p> <p>14 previous to July 31st of 2023. I don't know if</p> <p>15 they added additional programming, additional</p> <p>16 courses. I don't know why this form was completed,</p> <p>17 so I can't speak to that.</p> <p>18 Q. Not this specific form. In general.</p> <p>19 A. But in general, I don't know. It wouldn't</p> <p>20 seem necessary. We don't -- it's not in statute</p> <p>21 that we revisit eligibility unless we have a</p> <p>22 concern.</p> <p>23 Q. What would precipitate a school reapplying</p> <p>24 for PSEO if it had already been eligible before?</p> <p>25 A. I believe if -- and this is really a</p>

<p style="text-align: right;">Page 70</p> <p>1 finance question -- if they have not submitted for 2 reimbursement of a PSEO course for -- I want to say 3 five years, but it could be three years, they may 4 have to submit another eligibility because they 5 would not have been included in the system. 6 Q. So if they -- so you're saying if they 7 missed a year? 8 A. I don't believe it's as little as a year. 9 I believe it's defined, but I don't know 10 specifically. It's three to five years. So if 11 they have not submitted for PSEO reimbursement for 12 a specified period of time as determined by 13 finance, they may be required to submit this again 14 so that they can receive funding for PSEO courses. 15 Q. Do you know if Northwestern ever had to 16 resubmit its application? 17 A. I do not. 18 Q. Or Crown? 19 A. I do not. No, I do not know. Sorry. 20 Q. Okay. I want to look at paragraph 4 on the 21 second page. Section (a) says to take courses, the 22 school cannot require a student "to take courses 23 based upon a particular set of religious beliefs." 24 How does MDE define when a course is based 25 upon a particular set of religious beliefs?</p>	<p style="text-align: right;">Page 72</p> <p>1 course, says, "I'm going to start the course with a 2 prayer. Our Father, who art in heaven, amen," 3 would that be requiring students to pray? 4 A. That would not -- that would be counted as 5 sectarian. 6 Q. Would it be based on a particular set of 7 religious beliefs? 8 A. It's sectarian to a specific belief, yes. 9 Q. So the -- so a professor praying at the 10 beginning of class is requiring students to pray? 11 A. In your example it was the Lord's Prayer, 12 so that would be a sectarian prayer and it would be 13 deemed as such. 14 Q. So if a professor started the class with a 15 devotional reading from the Bible, that would be -- 16 would that be based upon -- would that be a course 17 based upon a particular set of religious beliefs? 18 A. Correct. 19 Q. If the teacher asks students what the Bible 20 says about a particular topic, would that be basing 21 a course upon a particular set of religious 22 beliefs? 23 MR. TIMMERMAN: Objection. Calls for 24 speculation. 25 You can answer if you know.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. So that's in the statute as nonsectarian. 2 So if we received a complaint that stated that a 3 course was asserting a particular set of religious 4 beliefs, we would have a conversation, again, with 5 the postsecondary institution to get clarity on 6 what the student or family is sharing and then 7 determine that if it is focused on a specific set 8 of religious beliefs that are specific to a 9 religion or et cetera, then we would address it 10 with them. 11 Q. So do you have -- so does MDE have 12 discretion to determine whether a course is based 13 upon a particular set of religious beliefs or are 14 there specific criteria that create that? 15 A. So these are the specific criteria that MDE 16 reviews to determine nonsectarian or sectarian. 17 Q. So if a course was identical to a course 18 taught at a public school but it started with a 19 prayer, would that be based upon a particular set 20 of religious beliefs? 21 A. Correct. 22 Q. It would? 23 A. If they prayed -- if they mandated that the 24 students pray before the course began, yes. 25 Q. So if a professor, at the beginning of the</p>	<p style="text-align: right;">Page 73</p> <p>1 A. A lot more context would be required to 2 know why the professor was asking that. 3 Q. So you have a math class. The students 4 learn the same math, Calc 2, Calculus 2, but the 5 teacher adds in religious encouragement, religious 6 insight. Is that based upon a particular set of 7 religious beliefs? 8 MR. TIMMERMAN: Objection. Vague and 9 calls for speculation. 10 You can answer if you know. 11 A. I don't know. 12 Q. Is it -- so you receive a complaint about a 13 professor including a religious encouragement or 14 religious insight, how would that be -- how would 15 that complaint be handled? 16 A. As stated previously, we would take the 17 complaint and reach out to the postsecondary 18 institution to inquire about the complaint and what 19 was asserted and have continued conversation 20 depending on what their responses were. 21 Q. And the outcome of the conversation would 22 be: Is the course going to be funded or not? 23 A. We would provide guidance that the 24 postsecondary could incorporate or not. And 25 depending on whether they incorporated it or not</p>

<p style="text-align: right;">Page 74</p> <p>1 would determine whether they'd receive public 2 funding for that course. 3 Q. Whether the -- so when you say "incorporate 4 it or not," what do you mean? 5 A. If we provide guidance that the religious 6 encouragement meets the criteria for a sectarian 7 course, and the possibility would be that the 8 course would not be funded if they did not follow 9 it. 10 Q. And how would it be decided what guidance 11 would be provided? Is that up to the individual 12 person who receives the complaint at MDE? 13 A. Well, the program person receives the 14 complaint. 15 Q. So Beth Barsness? 16 A. So Beth Barsness typically. Sometimes -- I 17 can't even say that. Let me clarify. Anyone at 18 MDE could possibly receive a complaint, and it is 19 typically funneled to the program specialist. And 20 they weigh: Is it sectarian or it is nonsectarian? 21 And if it ascribes to a specific worldview, then 22 the guidance is that should be removed from the 23 course; otherwise the course would be considered 24 sectarian and not available for public funding. 25 Q. And when you say "they weigh," who is that</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Is she required to get clarification or 2 does she have authority to determine the 3 termination? 4 A. She was the authority to determine if 5 something is sectarian or nonsectarian. 6 Q. Okay. 7 A. In theory. But she always consults. I 8 mean, that is, again, the bureaucratic nature of -- 9 especially if it's going to be something that says 10 this is a sectarian course, she's going to consult 11 with other entities within MDE to ensure that MDE 12 supports her analysis. 13 Q. So (b) in this list is the school may not 14 require a student "to receive instruction intended 15 to propagate or promote any religious beliefs." 16 Does MDE have a definition of that? 17 A. Well, I think it's pretty self-explanatory, 18 so I'm not sure what you're asking. 19 Q. Would that preclude a teacher from sharing 20 his or her religious perspective with students? 21 MR. TIMMERMAN: Objection. Vague. 22 Calls for speculation. 23 A. I would agree. I don't know what that 24 would mean. Religious beliefs are -- expressing or 25 testifying to something in your life, that can come</p>
<p style="text-align: right;">Page 75</p> <p>1 doing the weighing? 2 A. It could be -- it typically starts with the 3 program specialist, who would be gathering the 4 information, having the conversation. They may 5 consult with their supervisor, which -- they may 6 consult with government relations, finance, any 7 entity in MDE that may help them determine if it -- 8 if what was provided is sectarian or nonsectarian. 9 Q. So the specialist, that would have been 10 your role before -- 11 A. No, I was not the specialist. I'm not the 12 specialist for dual credit. 13 Q. Okay. 14 A. I have never been. 15 Q. Okay. So anyone can receive a complaint, 16 and the complaint goes to the program specialist, 17 not necessarily to the program -- to Beth Barsness? 18 A. Beth Barsness is the program specialist. 19 So it typically gets routed to her, and then she 20 will have a conversation usually. Or if she has 21 questions, she consults with other areas to get 22 clarification before contacting the postsecondary. 23 Has conversations with the person sometimes who 24 made the complaint, although sometimes they're 25 anonymous.</p>	<p style="text-align: right;">Page 77</p> <p>1 in many ways. So it could end up being an 2 encouragement. It could end up just being a 3 statement of -- you know, I can't speak to that. 4 That's too vague. 5 Q. So a professor telling the students: This 6 is my religious belief and this is how it applies 7 in this discussion of what we're talking about. 8 MR. TIMMERMAN: Objection. Calls for 9 speculation. 10 You can answer. 11 A. Yeah, I don't -- again, it would take more 12 conversation. If we received a complaint that was 13 characterized as you've stated, then it would be 14 further conversation. 15 Q. But you don't know? 16 A. I can't know without context, so... 17 Q. Without context you wouldn't say it's a 18 violation? 19 A. I can't speak to if it is sectarian or 20 nonsectarian without a conversation. 21 Q. Are there any factors MDE considers in 22 determining when a teacher crosses the line to 23 propagating or promoting a religious belief? 24 A. So typically we receive complaints, so it's 25 the discomfort that the student is experiencing</p>

<p style="text-align: right;">Page 78</p> <p>1 with the conversation that's occurring in the</p> <p>2 classroom.</p> <p>3 Q. So it's based on the student's perception?</p> <p>4 MR. TIMMERMAN: Objection.</p> <p>5 Mischaracterizes testimony.</p> <p>6 You can answer.</p> <p>7 A. So it's based -- well, sometimes it's the</p> <p>8 student who's uncomfortable. Sometimes we receive</p> <p>9 information from teachers, from families, teachers</p> <p>10 within the institution, teachers at the high</p> <p>11 school, counselors at the high school. So it's not</p> <p>12 limited -- there's discomfort on some level by</p> <p>13 someone reaching out to MDE to say this appears to</p> <p>14 be a sectarian course, approach to the course, and</p> <p>15 that's what we seek clarification on.</p> <p>16 Q. So the school says, "We teach our courses</p> <p>17 from a biblical worldview," would that be intended</p> <p>18 to propagate or promote religious beliefs?</p> <p>19 A. It would take further clarification and</p> <p>20 conversation with them to say, "What does that look</p> <p>21 like, then, in a PSEO course?"</p> <p>22 Q. So not without a complaint?</p> <p>23 A. Well, if it was in the application, we</p> <p>24 would ask for clarification as well, which I think</p> <p>25 has been evidenced. If something, a particular</p>	<p style="text-align: right;">Page 80</p> <p>1 BY MS. THOMSON:</p> <p>2 Q. You can answer if you know.</p> <p>3 MR. TIMMERMAN: Also vague as to time</p> <p>4 as well. Was it MDE's position at the time or is</p> <p>5 that MDE's position today? You're here to talk</p> <p>6 about what MDE's position is today.</p> <p>7 BY MS. THOMSON:</p> <p>8 Q. I'm asking about today.</p> <p>9 A. MDE's position today would not approve that</p> <p>10 "I recognize that Crown College is a distinctively</p> <p>11 Christian college" without a more clear follow-up</p> <p>12 sentence. "I recognize that these Christian" --</p> <p>13 "this Christian college approach is not a part of</p> <p>14 PSEO." I mean, they can be a Christian college,</p> <p>15 and that does not -- who they are doesn't impact</p> <p>16 the course -- the PSEO courses that they can offer</p> <p>17 and be funded public dollars for.</p> <p>18 Q. So PSEO courses could not be taught from a</p> <p>19 biblical worldview?</p> <p>20 A. That is really general too. I don't know</p> <p>21 what a biblical worldview is, so...</p> <p>22 Q. Well, that's what it says on the</p> <p>23 application.</p> <p>24 A. Well, I don't know what -- and I'm guessing</p> <p>25 that that's maybe why they let it go. Like, "on</p>
<p style="text-align: right;">Page 79</p> <p>1 worldview is expressed in the admissions process or</p> <p>2 a course, that would be a clarification for us.</p> <p>3 Q. I think we have that in Exhibit 2. If you</p> <p>4 just look at the last page, it's at the bottom in</p> <p>5 the pink -- the first pink box. It says, the</p> <p>6 second sentence, "I recognize that Crown College is</p> <p>7 a distinctively Christian college whose programs</p> <p>8 are based upon biblical teachings and standards."</p> <p>9 Would this have been approved?</p> <p>10 A. Well, the following sentence is, "I</p> <p>11 recognize that Bible and theology classes are not</p> <p>12 part of the PSEO option." So, while recognizing</p> <p>13 Crown College, it states -- I believe -- well, I</p> <p>14 don't know. I don't know why, but that last</p> <p>15 sentence recognizes that those will not be a part</p> <p>16 of the PSEO options.</p> <p>17 Q. So that's enough of a clarification on the</p> <p>18 biblical worldview statement?</p> <p>19 A. It was for whoever reviewed it.</p> <p>20 Q. Is that MDE's position?</p> <p>21 A. What's that?</p> <p>22 Q. That that is enough of a clarification that</p> <p>23 that biblical worldview statement is acceptable?</p> <p>24 MR. TIMMERMAN: Objection. Vague.</p> <p>25 ///</p>	<p style="text-align: right;">Page 81</p> <p>1 biblical teachings and standards." So, again, PSEO</p> <p>2 is addressing graduation standards that are</p> <p>3 publicly funded through PSEO. So the college</p> <p>4 itself has biblical teachings and standards that</p> <p>5 they are -- they have created for themselves, but</p> <p>6 in relation to PSEO, you have to teach standards as</p> <p>7 they apply to the graduation standards for public</p> <p>8 high schools.</p> <p>9 Q. Even if you have students coming from</p> <p>10 private high schools?</p> <p>11 A. It has to provide dual credit. Private</p> <p>12 high schools, they have to attest that they are</p> <p>13 taking courses that apply to graduation at that</p> <p>14 private school. If they are sectarian, they will</p> <p>15 not be --</p> <p>16 Q. Who has to attest to that?</p> <p>17 A. The student and the postsecondary, I</p> <p>18 believe. That's through the NOSR, the Notice of</p> <p>19 Student Registration. And then there's -- any</p> <p>20 private school student or homeschool student is</p> <p>21 considered an alternative student and has to make</p> <p>22 application to MDE of their intent to take PSEO</p> <p>23 courses.</p> <p>24 Q. Okay.</p> <p>25 A. So they still have to be for dual credit.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. So going back to "intended to propagate or 2 promote religious beliefs." A course that begins 3 with voluntary prayer, would that be intended to 4 propagate or promote religious beliefs? 5 A. It would be considered sectarian. 6 Q. Even if it's voluntary? 7 A. It would be considered sectarian. 8 Q. Is that -- if that's MDE's official 9 position, is that written down anywhere? 10 A. It's in the statute. 11 Q. Voluntary prayer is -- that is -- 12 A. PSEO public funding supports coursework 13 that is nonsectarian. So if that's determined to 14 be sectarian, then that would not be eligible for 15 PSEO funding. The course. 16 Q. Any -- so any inclusion of prayer in a 17 course, voluntary or not, would make a course 18 sectarian? 19 MR. TIMMERMAN: Objection. Calls for a 20 legal conclusion. 21 You can answer. 22 A. Any course that -- 23 Q. Under MDE's understanding. 24 A. -- we deem sectarian would not be eligible 25 for funding for a PSEO course.</p>	<p style="text-align: right;">Page 84</p> <p>1 appropriate level of participation? Any 2 participation at all? 3 MR. TIMMERMAN: Objection. Vague. 4 Calls for speculation. 5 You can answer. 6 A. Participation in -- I'm unclear. 7 Q. Participation in a religious activity. 8 What's an appropriate level of participation? 9 A. Are you able to provide an example of what 10 you're -- 11 Q. So, I mean, it sounds like -- is there a 12 difference between a professor starting a class 13 with prayer and a student raising their hand and 14 saying, "I'd like to begin this class with prayer 15 really quick," and the professor allowing that? 16 MR. TIMMERMAN: Objection. Vague. 17 Calls for speculation. You can answer if you know. 18 A. So the teacher initiating prayer or 19 sanctioning a request for prayer would still be on 20 the institution, as it would be the professor that 21 is making the determination. So that would be 22 considered secular and would not be fundable under 23 PSEO. 24 Q. Under MDE's understanding of sectarian? 25 A. Correct.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. And if a school -- if a course included 2 voluntary prayer, it would not be -- it would be 3 considered sectarian by MDE? 4 A. Correct. 5 Q. A syllabus that offers students 6 opportunities to send prayer requests to the 7 professor, the professor offers to pray for the 8 students, would that be intended to propagate or 9 promote religious beliefs? 10 MR. TIMMERMAN: Objection. Calls for 11 speculation. 12 A. Correct. 13 Q. Okay. So (c) is "participate in religious 14 activities." 15 Does MDE have a definition of what it means 16 to participate in religious activities? 17 A. Any activities that are focused on 18 religion. This is the definition of -- MDE's 19 position on defining what would be considered 20 sectarian. 21 Q. So a course -- again, a course that begins 22 with voluntary prayer would be requiring a student 23 to participate in religious activities? 24 A. Correct. It would be considered sectarian. 25 Q. So MDE -- how does MDE decide what's an</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. So the professor's responsible for the 2 student volunteering to pray? 3 MR. TIMMERMAN: Objection. 4 Mischaracterizes testimony. 5 BY MS. THOMSON: 6 Q. Do you have an answer? 7 A. You want to restate your question, please? 8 Q. All right. Did you say -- 9 MS. THOMSON: Yeah, could you repeat 10 the question? 11 (The requested portion was read back by 12 the court reporter: 13 "QUESTION: So, I mean, it sounds like -- 14 is there a difference between a professor 15 starting a class with prayer and a student 16 raising their hand and saying, "I'd like to 17 begin this class with prayer really quick," 18 and the professor allowing that?"") 19 BY MS. THOMSON: 20 Q. I think I was saying: So it's the 21 professor who's responsible for the student 22 volunteering to pray? And I think before that -- I 23 think that was the question before that. 24 And what's your answer to that question? 25 A. So if the institution, the professor, is</p>

<p style="text-align: right;">Page 86</p> <p>1 allowing for prayer, that would classify it as</p> <p>2 sectarian, correct.</p> <p>3 Q. Section (d), "to maintain affiliation with</p> <p>4 a particular church or religious organizations."</p> <p>5 Would that include signing a statement of</p> <p>6 faith?</p> <p>7 A. It would depend on what was included in the</p> <p>8 statement of faith, if it was particular to a</p> <p>9 specific affiliation with a church or religion.</p> <p>10 Q. Okay. And (e), "to attest to any</p> <p>11 particular religious beliefs."</p> <p>12 Does this require some kind of formal</p> <p>13 attestation or any -- does it require a formal</p> <p>14 attestation?</p> <p>15 A. Any required attestation to -- for a</p> <p>16 student to agree or address their religious beliefs</p> <p>17 at all.</p> <p>18 Q. Is it MDE's view that requiring students to</p> <p>19 sign a statement of faith makes all of that -- that</p> <p>20 course -- all of that institution's courses</p> <p>21 sectarian?</p> <p>22 A. It is our position that if a program is</p> <p>23 requiring that for admission for students that it</p> <p>24 is not eligible for funding.</p> <p>25 Q. Even as the law currently stands? Even --</p>	<p style="text-align: right;">Page 88</p> <p>1 determine what we look at to see if a course or a</p> <p>2 program is sectarian or nonsectarian and therefore</p> <p>3 fundable by public dollars.</p> <p>4 Q. So this form was in place before the</p> <p>5 amendment was introduced?</p> <p>6 A. It appears so, yes.</p> <p>7 Q. And it's -- as far as you know, is it still</p> <p>8 the form that would be used by an institution</p> <p>9 applying right now?</p> <p>10 A. Under the injunction, yes, that would be</p> <p>11 correct. And it would contain -- it may look</p> <p>12 different, but it contains the same information.</p> <p>13 Q. With the same criteria?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know how many religious schools</p> <p>16 provide PSEO courses?</p> <p>17 A. 18 are approved.</p> <p>18 (Clarification requested by the</p> <p>19 court reporter.)</p> <p>20 A. 18 as of the fiscal year '22.</p> <p>21 Q. Has MDE ever audited any of those schools</p> <p>22 for compliance of these standards?</p> <p>23 A. In my experience, I do not know of any</p> <p>24 audits that take place of individual programs to</p> <p>25 determine if they're in compliance or not. When we</p>
<p style="text-align: right;">Page 87</p> <p>1 like, there's a -- are you aware that there's a</p> <p>2 preliminary injunction in place preventing the</p> <p>3 amendment from taking effect?</p> <p>4 A. Correct.</p> <p>5 Q. So --</p> <p>6 A. I am aware.</p> <p>7 Q. So even with that injunction in place, it's</p> <p>8 your view -- it's MDE's view that requiring</p> <p>9 students to sign a statement of faith makes the</p> <p>10 school ineligible?</p> <p>11 A. That is our current position. But with the</p> <p>12 injunction, that will be determined, what MDE and</p> <p>13 the State's position is, after the injunction is</p> <p>14 lifted.</p> <p>15 Q. So does MDE have discretion to determine</p> <p>16 what it means to be sectarian or nonsectarian?</p> <p>17 A. That is demonstrated in (4) --</p> <p>18 Q. Mm-hmm.</p> <p>19 A. -- that that is the criteria that we use to</p> <p>20 determine if something is sectarian or nonsectarian</p> <p>21 and available for public funding.</p> <p>22 Q. And it's -- you have discretion to</p> <p>23 determine what those criteria -- what falls under</p> <p>24 those criteria?</p> <p>25 A. MDE has provided these clarifications to</p>	<p style="text-align: right;">Page 89</p> <p>1 receive complaints, then we reach out for</p> <p>2 clarification and provide guidance.</p> <p>3 Q. So we've looked at -- so this definition is</p> <p>4 for eligibility of an institution. Is that the</p> <p>5 same definition for whether a course is</p> <p>6 nonsectarian or sectarian?</p> <p>7 A. I would say largely it is the same.</p> <p>8 However, you're talking about what is the course</p> <p>9 named, what is the focus. But it, again, tends to</p> <p>10 be: Is it a sectarian course or a nonsectarian</p> <p>11 course? Which is based pretty much on the same</p> <p>12 criteria.</p> <p>13 Q. So a school wants to know how to prevent a</p> <p>14 course from becoming sectarian and wants to comply</p> <p>15 with MDE's requirements. Where should it look for</p> <p>16 the -- for the definition of a sectarian course?</p> <p>17 A. To these criteria. The course is related</p> <p>18 to curriculum, so if the curriculum can be framed</p> <p>19 under any four of these -- and maybe not the</p> <p>20 activities -- but maybe if it is promulgating a</p> <p>21 particular belief for a religion or a point of</p> <p>22 view, that would be considered sectarian.</p> <p>23 Q. So a school would have to go to the website</p> <p>24 and look up the eligibility form to -- like, where</p> <p>25 would it find these criteria?</p>

<p style="text-align: right;">Page 90</p> <p>1 A. It is in the PSEO handbook. We offer 2 professional development sessions that clarify -- 3 where Beth Barsness and Jeanne Krile provide 4 clarification as to how we define sectarian related 5 to a course or to a program. 6 Q. Is there a -- 7 A. It's in statute. Nonsectarian is in 8 statute. There are letters that have been sent in 9 clarification to institutions if we receive a 10 complaint. That's also a part of our standard 11 guidance. 12 Q. You mentioned the development courses. Is 13 that right? Did I say that right? Develop -- what 14 would -- what would MDE provide to the schools if 15 they were -- if Beth Barsness was going to help 16 them -- did you say development course? 17 A. No. We don't have anything to do with the 18 development of courses. The application that they 19 submit has to have a listing of courses already. 20 So perhaps she's doing a PD for an institution that 21 is considering applying, and she would clarify, 22 pretty much along these same lines, what would be 23 considered a sectarian course versus a nonsectarian 24 course. 25 Q. So what's a PD?</p>	<p style="text-align: right;">Page 92</p> <p>1 show -- most of them show where on the website you 2 can find the information. 3 Q. Would there be written materials that Beth 4 and Jeanne would teach from that they would have 5 prepared before the training? 6 A. Typically from slides, PowerPoint slides 7 sometimes. It's changed as technology has changed. 8 Q. Did you review any of those -- any of those 9 written materials in preparation for this 10 deposition? 11 A. I did see some. 12 Q. Did you provide them to your counsel for 13 production of documents? 14 A. They were part of the upload. 15 Q. Okay. Let's look at the next exhibit. 16 (Exhibit 9 was marked for 17 identification.) 18 Q. Are you familiar with this -- are you 19 familiar with the form on the last page of this 20 document? 21 A. Correct. Yes, I am. 22 Q. Is it a -- what is it? 23 A. It was a statement of assurance of 24 nonsectarian courses for the '22/'23 academic year. 25 Q. Who created this form?</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Oh, professional development. I apologize. 2 Q. Professional development. Okay. That's 3 what I was looking for. 4 A. Sorry. 5 Q. So she would do a professional development? 6 A. She and Jeanne will typically do it 7 together and they will define the terms because 8 postsecondaries go through Jeanne for payment. 9 Q. And that would be -- does that happen 10 anytime a school becomes eligible or only if the 11 school requests it? 12 A. A professional development? 13 Q. Mm-hmm. 14 A. They offer professional development that 15 institutions can voluntarily join. They can be -- 16 if we receive a complaint, we say, "Hey, this 17 training is coming up. It would be good for you to 18 attend it." And they can independently register 19 off the calendar on MDE. 20 Q. Would those professional development 21 trainings have written materials provided to the 22 schools? 23 A. Some of them do. Some of them you -- they 24 record the webinar so that you can view it again. 25 Some of them have written materials. Some of them</p>	<p style="text-align: right;">Page 93</p> <p>1 A. I believe it was created by Paula Palmer in 2 partnership with Tom Melcher. 3 Q. Paula Palmer was your predecessor in this 4 role? 5 A. Correct. 6 Q. And who is Tom Melcher? 7 A. Tom Melcher was a finance director two or 8 three ago. And I believe that was his role. He 9 wasn't there very long after I got there, so -- 10 he's related to finance. 11 Q. When was this form created? 12 A. I would -- I'm guessing about 2016, in 13 response to some repeated complaints. 14 Q. Okay. So in the form, the school certifies 15 that its courses are nonsectarian, and it says, 16 "These courses are not," and it lists -- has three 17 bullet points. Was this definition created by 18 Paula Palmer and Tom Melcher? 19 A. That, I'm not aware of. 20 Q. You don't know how this definition was 21 developed, these bullet points were developed? 22 A. It may have been in consultation with MDE 23 counsel at the time. I do not know the process 24 that these were created. 25 Q. What was in use before this?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Before the assurances?</p> <p>2 Q. Before 2016.</p> <p>3 A. Other than the applications that were</p> <p>4 received from the postsecondaries with the same</p> <p>5 assurance, I don't believe any -- there was not a</p> <p>6 statement of assurance.</p> <p>7 Q. Eligibility applications?</p> <p>8 A. So eligibility applications, correct.</p> <p>9 Q. Is this form considered regulation or</p> <p>10 guidance?</p> <p>11 MR. TIMMERMAN: Objection. Vague.</p> <p>12 Calls for a legal conclusion.</p> <p>13 You can answer if you know.</p> <p>14 A. It was -- my understanding was that it was</p> <p>15 done in response to remind private institutions</p> <p>16 that were providing PSEO that this is the</p> <p>17 definition of nonsectarian, and getting them to</p> <p>18 acknowledge it annually, I believe, so that there</p> <p>19 was a record that they were made aware that this is</p> <p>20 what's considered sectarian and is not fundable for</p> <p>21 public dollars.</p> <p>22 Q. So is this the binding definition of</p> <p>23 nonsectarian or is it the one that we looked at in</p> <p>24 the last document?</p> <p>25 A. I would say that the previous definition</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I'm not sure I understand what you're</p> <p>2 asking.</p> <p>3 Q. So the eligibility form we looked at,</p> <p>4 that's relating to the program, not to specific</p> <p>5 courses?</p> <p>6 A. I would state that this is a more specific</p> <p>7 way to address courses, nonsectarian courses, and</p> <p>8 then a program that would require any engagement or</p> <p>9 requirement laid out here. So, yes, I would say an</p> <p>10 institutional eligibility would be related to</p> <p>11 program and courses, and this is specific to</p> <p>12 courses.</p> <p>13 Q. So just for the reporter, when you say,</p> <p>14 "This is specific to courses," you mean --</p> <p>15 A. I'm sorry. Institutional Eligibility Form</p> <p>16 is addressing an institution cannot require</p> <p>17 students within that program (a), (b), (c), (d), or</p> <p>18 (e).</p> <p>19 The Eligible Courses for Postsecondary</p> <p>20 Enrollment is specific to what that sectarian</p> <p>21 approach would be for a specific course.</p> <p>22 Q. And it's MDE's position that requiring</p> <p>23 that -- a voluntary prayer at the beginning of</p> <p>24 class would fall under "intended to propagate or</p> <p>25 promote any one religious belief or viewpoint"?</p>
<p style="text-align: right;">Page 95</p> <p>1 relates to this definition when it comes to</p> <p>2 curriculum and a course. So I feel that they're</p> <p>3 one in the same but that they're defined</p> <p>4 differently related to a specific course.</p> <p>5 Q. So does this definition include required</p> <p>6 participation in religious activities?</p> <p>7 MR. TIMMERMAN: Objection. The</p> <p>8 document speaks for itself.</p> <p>9 You can answer.</p> <p>10 A. Anything intended to propagate or promote</p> <p>11 any one religious belief or viewpoint. So</p> <p>12 anything. So that would include activities within</p> <p>13 a course, yes.</p> <p>14 Q. So it's MDE's position that requiring</p> <p>15 students to participate in a religious activity</p> <p>16 falls under "intended to propagate or promote any</p> <p>17 one religious belief or viewpoint"?</p> <p>18 A. Related to the activities of a course.</p> <p>19 Q. Related to the activities of a course. So</p> <p>20 that's spelled out in the eligibility form but not</p> <p>21 in this form?</p> <p>22 A. The eligibility form is related to program,</p> <p>23 and these are speaking specifically to courses.</p> <p>24 Q. So is there a different requirement for</p> <p>25 courses in the program -- in the broad program?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Correct.</p> <p>2 Q. And would be requiring a student to</p> <p>3 participate in a religious activity?</p> <p>4 MR. TIMMERMAN: Objection. Asked and</p> <p>5 answered.</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Does this go -- does this form go to</p> <p>8 schools -- to PSEO schools every year?</p> <p>9 A. We stopped sending the assurances</p> <p>10 statement. So this would have been the first</p> <p>11 school year, the '23/'24 school year, we did not</p> <p>12 send it out.</p> <p>13 Q. Why not?</p> <p>14 A. We continued to receive complaints even</p> <p>15 though these had been acknowledged and virtually</p> <p>16 signed. And so the utility of doing it, it was</p> <p>17 just an exercise and additional work for our staff</p> <p>18 because the complaints persisted.</p> <p>19 Q. What was the nature of the complaints you</p> <p>20 received after the -- after these forms were filed,</p> <p>21 these forms started?</p> <p>22 A. We received, again, verbal, telephone,</p> <p>23 email sent to various points of contacts within MDE</p> <p>24 of prayer and references in courses, discomfort. A</p> <p>25 teacher from one of the schools called and shared</p>

<p style="text-align: right;">Page 98</p> <p>1 their concern, after they resigned, about what was</p> <p>2 being required and requested of students and that</p> <p>3 they believed that to be highly sectarian.</p> <p>4 Q. So while this form was in place between</p> <p>5 2016 and 2023 -- or 2022 academic year, did it go</p> <p>6 out every year?</p> <p>7 A. My understanding is that it did, yes.</p> <p>8 Q. Which schools received this form?</p> <p>9 A. I don't know. I would have to get</p> <p>10 clarification. It may have gone out to every</p> <p>11 single one of them.</p> <p>12 Q. Okay. The Merriam-Webster definition at</p> <p>13 the top of the form, do you know how that came to</p> <p>14 be part of the form?</p> <p>15 A. I do not. I had not seen it before the</p> <p>16 form was created.</p> <p>17 Q. Do you know why it would be in there?</p> <p>18 A. As a definition of nonsectarian.</p> <p>19 Q. Is that a binding definition?</p> <p>20 MR. TIMMERMAN: Objection. Calls for a</p> <p>21 legal conclusion. Vague.</p> <p>22 You can answer if you know.</p> <p>23 A. It's identifying Merriam-Webster as an</p> <p>24 agreed-upon source of defining nonsectarian, I</p> <p>25 believe.</p>	<p style="text-align: right;">Page 100</p> <p>1 further about a complaint that it received.</p> <p>2 Q. Who is Karen Johnson?</p> <p>3 A. So the positions weren't configured the</p> <p>4 same in 2008. So I believe Karen Johnson was in</p> <p>5 partnership with Carol Hokenson addressing the</p> <p>6 issues around PSEO implementation. That's my</p> <p>7 understanding.</p> <p>8 Q. So she would have been the PSEO</p> <p>9 program's -- like, a similar role to Beth Barsness</p> <p>10 or similar level?</p> <p>11 A. That is not clear to me. It appears that</p> <p>12 Carol and Karen kind of worked on things together,</p> <p>13 but they didn't have, like, a specific -- Sharon</p> <p>14 Peck would have been finance specifically.</p> <p>15 Q. Okay.</p> <p>16 A. And this is per Beth and Jeanne.</p> <p>17 Q. So Karen Johnson had a PSEO role --</p> <p>18 A. Yes.</p> <p>19 Q. -- at that time?</p> <p>20 And who -- did you say who -- who did you</p> <p>21 say she would've worked with?</p> <p>22 A. Beth Barsness and Jeanne Krile. Preceded</p> <p>23 them, but they had heard of her.</p> <p>24 Q. Okay. And who did you say she was working</p> <p>25 with at the time? Did you know?</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So as far as you're aware, this form was in</p> <p>2 place from 2016 to 2022. You're not aware of any</p> <p>3 changes to the form during that time?</p> <p>4 A. Approximately 2016. I know the issue came</p> <p>5 up in 2016, and I believe that it stayed -- while</p> <p>6 it may look different, it contained the same</p> <p>7 information.</p> <p>8 Q. Okay.</p> <p>9 MS. THOMSON: Would you like to take a</p> <p>10 lunch break?</p> <p>11 MR. TIMMERMAN: Sure. How long would</p> <p>12 you like? Until 1:00?</p> <p>13 MS. THOMSON: Yeah.</p> <p>14 (Break: 12:17 p.m. to 1:06 p.m.)</p> <p>15 BY MS. THOMSON:</p> <p>16 Q. We'll start with the next document.</p> <p>17 (Exhibit 10 was marked for</p> <p>18 identification.)</p> <p>19 A. (Reviewing document.)</p> <p>20 Q. You've had a chance to review?</p> <p>21 A. Yeah.</p> <p>22 Q. Are you familiar with this document?</p> <p>23 A. I have seen it, yes.</p> <p>24 Q. What is it?</p> <p>25 A. It appears to be the Department inquiring</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Karen Johnson?</p> <p>2 Q. Yeah. Did you give me another name?</p> <p>3 A. Yeah, Carol Hokenson.</p> <p>4 Q. Carol Hokenson.</p> <p>5 A. Who's also on the email.</p> <p>6 Q. Okay. So they would've both been PSEO, had</p> <p>7 PSEO roles?</p> <p>8 A. Part of their job would've been PSEO.</p> <p>9 Q. Okay. What about Morgan Brown?</p> <p>10 A. Nobody knew who that was.</p> <p>11 Q. Okay. And Julie Henderson?</p> <p>12 A. Again, no certainty.</p> <p>13 Q. Okay. Could you look at the -- on the</p> <p>14 second-to-last page of this document, it's the</p> <p>15 original email, second paragraph, that starts with</p> <p>16 "It appears..."</p> <p>17 A. Mm-hmm.</p> <p>18 Q. "It appears that very few of the courses</p> <p>19 they" -- referring to Northwestern -- "are offering</p> <p>20 to PSEO students meet the nonsectarian definition</p> <p>21 since their curriculum follows a biblical</p> <p>22 worldview."</p> <p>23 Is that correct? Did I read that</p> <p>24 correctly?</p> <p>25 A. That is what it says, yes.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. Would you agree with that statement that 2 Karen is making? 3 MR. TIMMERMAN: Objection. Calls for 4 speculation. 5 A. I've not seen the courses, so I don't know 6 if her assessment was accurate or not. I presumed. 7 Q. So the statement that their courses are not 8 nonsectarian since they follow a biblical 9 worldview, does that reflect MDE's current 10 position? 11 A. Regarding what specifically? 12 Q. Regarding whether a curriculum following a 13 biblical worldview would be beneath a nonsectarian 14 definition. 15 A. We would have questions of whether it did. 16 It's pretty general. It's a general statement. So 17 we would, again, talk with the postsecondary 18 institution to find out: What does that look like 19 in practice? 20 Q. Does it appear that Karen had done that 21 here? 22 A. It appears that there was some conversation 23 and they were going to be having a conversation at 24 2:00 p.m. at MDE, so... 25 Q. So you can't say --</p>	<p style="text-align: right;">Page 104</p> <p>1 wouldn't have the context to know why that didn't 2 occur. And they may have done some portion. I 3 haven't seen records that any of what she lists as 4 a path forward was executed. I haven't seen that. 5 Q. On the very last page, she says, "The 6 reason I believe we should have a tentative plan 7 for review in place is that Northwestern may 8 believe they've been unfairly singled out." 9 Do you know if there's any other way that 10 that concern would have been addressed? 11 A. Northwestern's concern that they had been 12 singled out? 13 Q. Yes. 14 A. I'm not aware of that concern at this time 15 or how it was addressed. Our response would be we 16 are addressing a complaint that we received about 17 your specific program, and so the questions come 18 specifically to you to clarify. 19 Q. Okay. Let's look at the next document. 20 (Exhibit 11 was marked for 21 identification.) 22 Q. So I'm looking at 1429. 23 A. Yeah. Okay. 24 Q. Are you familiar with this document? 25 A. I've seen it, yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. I'm guessing they were taking the same tack 2 that we would if we had questions. 3 Q. And she described the -- she described the 4 problem as a biblical worldview? 5 MR. TIMMERMAN: Objection. The 6 document speaks for itself. Mischaracterizes what 7 the document says. 8 But you can answer. 9 A. If that's what they assessed at the time, 10 then I have nothing to counter that. 11 Q. Can you look at the last paragraph on that 12 page that says, "My recommendation..." "My 13 recommendation would be that a review of all 14 private colleges on the eligible list per their 15 course catalogs and websites (perhaps also student 16 interviews) and a letter be issued from the 17 commissioner's office (or upper administration) 18 requesting compliance with the nonsectarian 19 requirement of PSEO." 20 Was that review done in 2008? 21 A. I don't believe so. 22 Q. Was it done at any time? 23 A. Not that I'm aware of. 24 Q. Why not? 25 A. I wouldn't know. Likely capacity. I</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Is it a memo from MDE to participating PSEO 2 institutions? 3 A. That is what it appears to be, yes. 4 Q. Okay. And it says -- at the top of 1429 it 5 says, "To meet the intent of the statute, in 2008, 6 MDE developed a policy clarifying the definition of 7 'nonsectarian' as it pertains to PSEO." 8 Is that correct? 9 A. Yes. That's how I read it. 10 Q. Does this definition reflect the current 11 definition? 12 A. This continues -- yes, the same language 13 continues to be used. 14 Q. Why is this not the language that's used on 15 the form that the schools sign? 16 MR. TIMMERMAN: Objection. Vague. 17 A. On the assurances form? 18 Q. Mm-hmm. Yes. 19 A. I guess I'm unclear on what you're asking, 20 because I see this same point related to the 21 course. This addresses only the courses, the 22 assurances. And I see that -- unless I'm looking 23 at it -- it kind of goes back and forth what it 24 seems to be... 25 MR. TIMMERMAN: Would you like her to</p>

<p style="text-align: right;">Page 106</p> <p>1 repeat the question?</p> <p>2 BY MS. THOMSON:</p> <p>3 Q. Oh. Why is there a difference between</p> <p>4 what's on the --</p> <p>5 A. No, I'm sorry. I was asking: What is the</p> <p>6 difference? I don't see it.</p> <p>7 Q. Okay. So the form -- this includes (a),</p> <p>8 (b), (c), and then 1, 2, 3, 4, 5. And that's the</p> <p>9 memo that went out in 2013.</p> <p>10 A. So this, to me, is including the program as</p> <p>11 well. This is specific to the courses, which are</p> <p>12 included within this statement. I can't tell you</p> <p>13 why they're different. MDE strives to have plain</p> <p>14 language so that -- especially when we have</p> <p>15 questions coming from the community and</p> <p>16 disagreement about statute language, we work with</p> <p>17 communications to make it clear. So that would be</p> <p>18 my guess.</p> <p>19 This related to courses is more clear to</p> <p>20 me, but I like this visually better. So this is --</p> <p>21 this looks like it's a restatement of policy.</p> <p>22 Q. Do you think it might -- could a school be</p> <p>23 confused in looking at the assurance form and not</p> <p>24 seeing the "requires a student to" -- the language</p> <p>25 that they're not allowed to require a student to</p>	<p style="text-align: right;">Page 108</p> <p>1 And so I'm -- I assume it's their</p> <p>2 attempt -- and I don't know; I didn't craft it --</p> <p>3 to create clarity. Whether they were successful at</p> <p>4 that, but I think the spirit of the language is</p> <p>5 exactly the same.</p> <p>6 Q. The paragraph that says, "Periodically..."</p> <p>7 the last paragraph of this memo. It says,</p> <p>8 "Periodically, the Minnesota Department of</p> <p>9 Education is requested to review PSEO course</p> <p>10 syllabi and/or institutional course catalogs in an</p> <p>11 effort to verify whether courses submitted for</p> <p>12 state reimbursement align with PSEO law."</p> <p>13 Has that -- when that request happens, does</p> <p>14 MDE review those syllabi or course catalogs?</p> <p>15 A. I believe the "periodically" references</p> <p>16 when we receive a concern from a constituent. We</p> <p>17 do not have a scheduled review.</p> <p>18 Q. So the next sentence says, "We ask that you</p> <p>19 review the content of courses you currently offer</p> <p>20 to Minnesota high school students as part of your</p> <p>21 postsecondary enrollment option program to ensure</p> <p>22 they do meet the above criteria."</p> <p>23 Does MDE always rely on the schools to</p> <p>24 review their own courses --</p> <p>25 A. The --</p>
<p style="text-align: right;">Page 107</p> <p>1 participate in a religious activity, about what it</p> <p>2 means to provide a course that does not require --</p> <p>3 that is not -- that does not propagate a</p> <p>4 religious -- set of religious beliefs?</p> <p>5 MR. TIMMERMAN: Objection. Vague.</p> <p>6 Calls for speculation.</p> <p>7 A. And I'm not clear what you're asking.</p> <p>8 Q. This definition from this 2013 memo is the</p> <p>9 same as the definition from the eligibility form;</p> <p>10 is that correct? And -- go ahead.</p> <p>11 A. It appears primarily the same. The</p> <p>12 formatting is still awkward, but...</p> <p>13 Q. So this memo says the definition of</p> <p>14 nonsectarian is what's on the eligibility form, or</p> <p>15 at least substantially the same?</p> <p>16 MR. TIMMERMAN: And just to clarify,</p> <p>17 when you say "eligibility form," you're referencing</p> <p>18 Exhibit 8, correct?</p> <p>19 MS. THOMSON: Yes.</p> <p>20 A. So this is the application -- yes. So this</p> <p>21 is the application to provide PSEO programming at</p> <p>22 your institution. This one is for the courses that</p> <p>23 are offered for PSEO. And this one does seem to</p> <p>24 jibe more with the program but also seems to</p> <p>25 include some of the courses.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. -- unless there's a complaint?</p> <p>2 A. The schools apply to offer PSEO and</p> <p>3 generate public funding for a PSEO course offered</p> <p>4 to a student, having agreed to what -- that</p> <p>5 nonsectarian courses -- sectarian courses cannot be</p> <p>6 offered. If at some point they change that, then</p> <p>7 it is up to them to review and determine whether or</p> <p>8 not they are still in alignment with what the law</p> <p>9 and the original approval dictated, expected. Yes.</p> <p>10 Q. So the only time you would review course</p> <p>11 content like that is if there was a complaint?</p> <p>12 A. Unless dictated to us from higher</p> <p>13 leadership, yes, the only time that we would review</p> <p>14 would be when we receive a complaint, because that</p> <p>15 is the capacity that exists.</p> <p>16 Q. Okay.</p> <p>17 A. Currently, I should add.</p> <p>18 (Exhibit 12 was marked for</p> <p>19 identification.)</p> <p>20 Q. Take a look at this document and let me</p> <p>21 know if you're familiar with it.</p> <p>22 A. I'm very familiar with it, yes.</p> <p>23 Q. Okay. I'm looking at page 7 of this</p> <p>24 document, 1541. So this is a PSEO reference guide</p> <p>25 from 2021; is that right?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. That appears to be correct.</p> <p>2 Q. Is that the document you referred to before</p> <p>3 when you said schools could look here for guidance</p> <p>4 on their PSEO programs?</p> <p>5 A. This is a guide, yes, that they can</p> <p>6 reference.</p> <p>7 Q. Can you look at the definition of</p> <p>8 nonsectarian on this page and tell me what it says?</p> <p>9 A. "Not affiliated with or restricted to a</p> <p>10 particular religious group."</p> <p>11 Q. What does that mean?</p> <p>12 A. So I think it does not include sect but</p> <p>13 that it does not take -- it does not present</p> <p>14 information through a specific religious viewpoint.</p> <p>15 Q. Okay. Is this definition binding on PSEO</p> <p>16 schools?</p> <p>17 MR. TIMMERMAN: Objection. Calls for a</p> <p>18 legal conclusion. Vague.</p> <p>19 You can answer if you know.</p> <p>20 A. It seems affiliated with the previous</p> <p>21 definitions. I don't know why it was restated this</p> <p>22 way.</p> <p>23 Q. Are you aware that Crown College is -- has</p> <p>24 a religious affiliation with the Christian</p> <p>25 Missionary Alliance church?</p>	<p style="text-align: right;">Page 112</p> <p>1 Do courses taught in alignment -- that are</p> <p>2 taught in alignment with Crown's statement of faith</p> <p>3 constitute courses affiliated with a particular</p> <p>4 religious group under this definition?</p> <p>5 MR. TIMMERMAN: Objection. Vague.</p> <p>6 Calls for speculation.</p> <p>7 You can answer if you know.</p> <p>8 A. If a course is sectarian, it is affiliated</p> <p>9 with their worldview. So whether they have an</p> <p>10 affiliation with a church, for PSEO that</p> <p>11 affiliation, if it exists, then is not fundable as</p> <p>12 a PSEO course by MDE. So they can have as many</p> <p>13 affiliated courses as they want. It wouldn't meet</p> <p>14 the nonsectarian of reimbursement from MDE for a</p> <p>15 PSEO course.</p> <p>16 Q. So they could not teach their PSEO courses</p> <p>17 in alignment with the CMA church?</p> <p>18 MR. TIMMERMAN: Objection. Calls for</p> <p>19 speculation.</p> <p>20 You can answer if you know.</p> <p>21 A. If we determined that they were -- that</p> <p>22 this affiliation impacted how they delivered PSEO</p> <p>23 courses, they would not -- they would be determined</p> <p>24 to be sectarian and not fundable.</p> <p>25 Q. Okay. Let's look at page 15 of this</p>
<p style="text-align: right;">Page 111</p> <p>1 A. I did.</p> <p>2 Q. Are you aware that Crown has a statement of</p> <p>3 faith from that church?</p> <p>4 A. I've heard that, yes. We've had</p> <p>5 conversations.</p> <p>6 Q. You and your colleagues?</p> <p>7 A. Probably government relations.</p> <p>8 Q. Adosh or anyone else?</p> <p>9 A. I'm not sure if Adosh was there when that</p> <p>10 conversation was had. He had left MDE for a while,</p> <p>11 and I can't remember -- it was someone else that</p> <p>12 was there in the interim.</p> <p>13 Q. So you discussed Crown's religious</p> <p>14 affiliation before your current role?</p> <p>15 A. As a supervisor I was informed by Crown of</p> <p>16 their religious affiliation when I sat in a meeting</p> <p>17 with government relations after a complaint.</p> <p>18 Q. Okay. Do you know what year that would</p> <p>19 have been?</p> <p>20 A. It would have had to have been 2020. It</p> <p>21 was right -- it was COVID. So it was '20 or -- it</p> <p>22 was probably '20.</p> <p>23 Q. So it happened over --</p> <p>24 A. But it was before I was reassigned, yes.</p> <p>25 Q. It happened remotely? Okay.</p>	<p style="text-align: right;">Page 113</p> <p>1 document. I'm sorry. 17. Okay. Could you read</p> <p>2 the first two sentences of the third paragraph from</p> <p>3 the bottom?</p> <p>4 A. That starts "Postsecondary institutions</p> <p>5 determine..."?</p> <p>6 Q. Yes. "...admission" --</p> <p>7 A. "...determine admission standards to</p> <p>8 participate in specific PSEO programs and courses."</p> <p>9 Q. Okay. Does MDE ever review schools'</p> <p>10 admission standards?</p> <p>11 A. If we receive a complaint or are directed</p> <p>12 to do so.</p> <p>13 Q. So you yourself would never go out of your</p> <p>14 way to review schools' admission standards unless</p> <p>15 you received a complaint?</p> <p>16 A. No, I believe what I said is unless there</p> <p>17 was a directive to do so from the commissioner, for</p> <p>18 example.</p> <p>19 Q. Have you ever received a directive like</p> <p>20 that from the commissioner to review admissions</p> <p>21 standards?</p> <p>22 A. Not in my experience.</p> <p>23 Q. Do you know if there ever has been one?</p> <p>24 A. I've never seen a directive.</p> <p>25 Q. Okay. We'll go to the next document.</p>

<p style="text-align: right;">Page 114</p> <p>1 (Exhibit 13 was marked for 2 identification.) 3 Q. When you've had a chance to review, just 4 let me know. 5 A. (Reviewing document.) Okay. Well, I have 6 seen the letter. This is -- 7 Q. It's small. 8 A. It is beyond my ability to read it. 9 Q. You've reviewed this before? 10 A. I have -- I've seen the emails. I have not 11 seen the screenshots. 12 Q. What is this document? 13 A. This appears to be a response to a parent 14 who emailed the commissioner, whose home district 15 appears to be Red Wing High School -- or Red Wing 16 School Direct, with concerns about an econ class 17 and screenshots of examples. So this must have 18 been a virtual online course primarily. 19 Q. Is there anything you see here that would 20 violate MDE policies? 21 MR. TIMMERMAN: Objection. Vague. 22 Feel free to take your time and review it. 23 A. I mean, as well as I can see it, yes, there 24 would be some concerns about sectarian approaches 25 to the course.</p>	<p style="text-align: right;">Page 116</p> <p>1 can pick out randomly. 2 Q. Is that a requirement for students to pray? 3 A. That is a direction from the person from 4 the institution that is implementing the course 5 that includes a sectarian -- yes, it's 6 approaching -- it's not nonsectarian. It is 7 sectarian if it is driven by the instructor of the 8 course. 9 Q. What makes it sectarian? What part of the 10 definition does it violate? 11 A. The encouragement to pray. 12 Q. Okay. 13 A. And pray for others. And repeated options 14 to engage in praying. 15 Q. Okay. So you said an extra credit option 16 allowing students to read verses from the Bible 17 would be considered sectarian? 18 A. Yes. 19 Q. Do you know how this complaint was 20 resolved? 21 A. I do not. 22 Q. So you don't know if anyone reached out to 23 Northwestern about this? 24 A. I see that they involved Tom Melcher, which 25 would have been around the finance piece, and Paula</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Okay. 2 A. Having a virtual prayer room. Referencing 3 the Bible as a context for examining poverty, I 4 guess, in an econ class, which includes -- oh, 5 that's the extra credit option where they can read 6 through the Old Testament, I guess, and the New 7 Testament. And then a reflection activity that 8 also includes Bible verses. That is what I can 9 see. 10 Q. Okay. So including a prayer room -- so it 11 looks like this professor included a prayer room 12 and wrote, "Please know that as we go throughout 13 the semester, I will be praying for each of you by 14 name. If you have a specific prayer request you 15 would like to share with the class, feel free to 16 share them here. Or if you rather it just be 17 between you and I, feel free to email me your 18 prayer request and I would be honored to pray for 19 you in that specific way throughout the semester." 20 Is that -- as best as you can tell, is that 21 what that says? 22 A. I will take your word for it. I cannot 23 read it. It is just too small. Sorry. 24 Q. Does that -- 25 A. It looks about right from the words that I</p>	<p style="text-align: right;">Page 117</p> <p>1 Palmer, who was the director at the time. But I do 2 not know the specific resolution to this complaint. 3 Q. Did you discuss this complaint with anyone 4 in preparation for this deposition? 5 A. This complaint did not come up, no. 6 Q. But you had seen it before? 7 A. I had seen the emails from Tom Melcher and 8 the letter from the parent -- or from Red Wing, 9 from the superintendent. 10 Q. In preparation for this deposition or 11 before that? 12 A. I may have seen it before. 13 Q. How would it have come across your desk 14 before? 15 A. Reviewing complaints about -- historical 16 complaints related to any sectarian requirements. 17 Q. And that's part of your role outside of 18 preparing for this deposition? 19 A. We would have looked at it, yes, outside of 20 the role -- I mean, for -- I believe I also saw 21 this in -- at least the emails in preparation for 22 the deposition. But I've seen this before. 23 Q. Would you have ever talked to -- 24 A. But not in real time. It would be 25 obviously much later.</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. Would you have ever talked to Tom or Paula 2 or anyone else on this -- on this list about this 3 complaint? 4 A. No. None of the original -- no, none of 5 the original people. 6 Q. Including Jeanne? 7 A. Jeanne? Yeah, I don't believe that we ever 8 spoke about it. It was a program review. 9 Q. So you don't know if anyone responded to 10 the superintendent? 11 A. I do not. 12 Q. Would that response be in MDE's records? 13 A. I don't know how it was responded to, so I 14 wouldn't know if it is or isn't. It could have 15 been the commissioner calling the superintendent 16 back. I don't know what the -- like, how they 17 responded. They may have responded. 18 Q. Is there anyone who would know that? 19 A. I don't know. 20 Q. Would course -- so what would be the 21 response today to a complaint like this? 22 A. We would reach out to -- this is 23 Northwestern -- to share with them what had been 24 shared by the district superintendent. We may 25 follow up with the parent who filed the complaint</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Would the -- what would the guidance to 2 Northwestern be to correct the sectarian elements? 3 A. To make them nonsectarian. 4 Q. So would they be instructed to remove all 5 references to the Bible? 6 A. Correct. 7 Q. And all references to prayer? 8 A. Correct. For it to be funded by MDE. 9 Q. Would MDE ever have cause to audit a school 10 if it received complaints that it was violating the 11 nonsectarian requirement? 12 A. Yes. The commissioner could, in 13 consultation with legal, we could -- we would call 14 it a desk review, so it's not necessarily an audit, 15 where we could review the syllabus for courses that 16 we had questions. Or in this case it's called an 17 economics class, and maybe we have questions or 18 maybe we audit all the classes. 19 So MDE can determine that that's a course 20 of action, but that's not an individual -- that 21 course of action is not something that's 22 individually determined by the program specialist 23 or by the supervisor or by the director or any -- 24 like, that is a collaborative decision that's 25 reached, and usually in consultation with the</p>
<p style="text-align: right;">Page 119</p> <p>1 with the district, as well as the student, to get 2 more information. And then we would contact 3 Northwestern to say, "We received a complaint. Can 4 you provide more context? We have information, it 5 appears, in the screenshots included that this 6 appears to have a sectarian focus." And we would 7 await their response and probably have a few more 8 conversations. 9 Q. And if they confirmed that the screenshots 10 were correct, that they're -- you know, if they 11 confirm that the screenshots were presented in an 12 online course, would that mean -- would the 13 response be to not fund the course? 14 A. Correct. We would provide guidance to 15 change the course so that it meets the nonsectarian 16 requirement, and then we would work with student 17 accounting to determine how many -- or finance. It 18 depends on where the student is. So if -- to 19 determine how many students had been in this 20 course. And then they would be likely not funded 21 when the invoices were presented by Northwestern. 22 Q. At this point in this -- assuming that this 23 had already been presented to students, would it be 24 too late to correct the course for that semester? 25 A. Correct.</p>	<p style="text-align: right;">Page 121</p> <p>1 governor and his team as well. So... 2 Q. What would prompt an audit in the normal 3 course of things? 4 A. Repeated complaints and -- repeated 5 complaints. And it would be -- you know, it would 6 be one or the other. Either we would just continue 7 to audit when invoices were submitted for courses 8 to ensure that they're nonsectarian and then not 9 pay the invoice, or the decision could be, again, 10 by those much above us that we want to audit the 11 entire program. 12 Q. Would that happen for requirements other 13 than the nonsectarian requirement for other MDE 14 policies? 15 A. Oh, that could be for any institution that 16 is offering PSEO. 17 Q. Are you aware of audits for issues other 18 than religious content of courses? 19 A. I'm -- I'm not aware of audits even for 20 religious purposes, so I'm not sure of any 21 full-blown audit that's ever occurred. 22 Q. So you're not aware of an audit for the 23 nonsectarian requirement either? 24 A. I've not aware of any audits related to 25 PSEO. It doesn't mean they don't exist or they</p>

<p style="text-align: right;">Page 122</p> <p>1 didn't occur at some point, but I'm not aware of</p> <p>2 them.</p> <p>3 Q. If an audit did -- were to happen, would</p> <p>4 you have a role in it? What would be your role?</p> <p>5 A. My role would be to collaborate with our</p> <p>6 divisional team, because the lift that an audit --</p> <p>7 and I would collaborate with finance. So that</p> <p>8 would be a heavy lift for us, because we have one</p> <p>9 person who's dedicated to PSEO overall, dual credit</p> <p>10 overall.</p> <p>11 So that would be working with the agency to</p> <p>12 ensure that we have the staffing and the resources</p> <p>13 needed to do a full-scale audit, which may also</p> <p>14 include -- which would have to include finance and</p> <p>15 may be led by finance, as finance is the one who</p> <p>16 pays for the -- works with postsecondaries and pays</p> <p>17 for the courses.</p> <p>18 Q. Outside of the complaint process, would you</p> <p>19 ever review the content of a course?</p> <p>20 A. Outside of a complaint? Yes, if directed</p> <p>21 to by someone above me.</p> <p>22 Q. Has that happened?</p> <p>23 A. No.</p> <p>24 Q. You said that in this -- if -- in this</p> <p>25 instance, the consequence would be to not pay for</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Well, we have when we've received</p> <p>2 complaints. So what you're describing as a</p> <p>3 full-out audit, that has not occurred with either</p> <p>4 institution.</p> <p>5 Q. Okay. You said last year you denied</p> <p>6 funding for a course. Are you aware of other</p> <p>7 instances of that happening?</p> <p>8 A. Over the years I've been at MDE, yes. But,</p> <p>9 again, we don't -- we're -- MDE has, yes, for all</p> <p>10 kinds of different reasons that -- and it's mostly</p> <p>11 around eligibility. So if the course is found not</p> <p>12 to be eligible for funding, the student was not</p> <p>13 eligible to take the PSEO course, those are usually</p> <p>14 the two primary reasons why funding does not occur.</p> <p>15 Q. Have you yourself ever seen a syllabus from</p> <p>16 a Crown College course?</p> <p>17 A. I have not.</p> <p>18 Q. Northwestern?</p> <p>19 A. I have not.</p> <p>20 Q. If you had received multiple complaints and</p> <p>21 you wanted to review courses that were being</p> <p>22 provided by a specific school, how would you go</p> <p>23 about doing that? Would it be through the audit</p> <p>24 process or would -- or is there another process?</p> <p>25 A. So if we received -- let me just -- I want</p>
<p style="text-align: right;">Page 123</p> <p>1 the -- not reimburse the school for the course?</p> <p>2 A. That would be an option, yes.</p> <p>3 Q. Are you aware of that having ever happened</p> <p>4 because of the sectarian content of a course?</p> <p>5 A. Yes.</p> <p>6 Q. Are you -- do you know which schools that</p> <p>7 would have happened to?</p> <p>8 A. No. We had one last year that was related</p> <p>9 to Hennepin Technical College.</p> <p>10 Q. Because of sectarian content?</p> <p>11 A. They were partnering with Maranatha. And</p> <p>12 it wasn't actually a course that was eligible for</p> <p>13 PSEO reimbursement, but that's my most recent</p> <p>14 memory. And, again, that's finance. Finance</p> <p>15 usually makes the determining consultation with</p> <p>16 program. Does this appear to be -- program does</p> <p>17 the digging or reaches out to the high school or</p> <p>18 often gets the complaint. So it's a partnership</p> <p>19 between PSEO finance and PSEO program.</p> <p>20 Q. Is Maranatha a Christian high school?</p> <p>21 A. Correct. A private high school, yep.</p> <p>22 Maybe -- it may be K-12.</p> <p>23 Q. So outside of the complaints it's received,</p> <p>24 MDE has never investigated Crown or Northwestern</p> <p>25 for compliance with the nonsectarian requirement?</p>	<p style="text-align: right;">Page 125</p> <p>1 to check my understanding. So if we received a</p> <p>2 complaint similar to this, how would we go about</p> <p>3 reviewing the syllabus? It would be through a</p> <p>4 conversation with the institution to say, "Could</p> <p>5 you" -- well, it would probably be in written form</p> <p>6 and verbal form. "We're going to send you a</p> <p>7 request. Please send over the syllabus. Please</p> <p>8 send over related printed items tied to the</p> <p>9 course."</p> <p>10 We would rarely get into the curriculum,</p> <p>11 but we could ask for an outline of the curriculum.</p> <p>12 We could ask for the curriculum. We would just ask</p> <p>13 for it.</p> <p>14 Q. And you wouldn't have access to it unless</p> <p>15 you asked for it?</p> <p>16 A. Correct. Unless it's provided, as in this</p> <p>17 case, by a complaint. Someone who's filing the</p> <p>18 complaint who has the materials, they would provide</p> <p>19 it to us. We have that happen often.</p> <p>20 Q. And then you would take it to the school?</p> <p>21 A. It would be a conversation with the school,</p> <p>22 correct.</p> <p>23 Q. Does MDE have access to student records at</p> <p>24 private schools that provide PSEO?</p> <p>25 A. We don't have access to records of any</p>

<p style="text-align: right;">Page 126</p> <p>1 student who participates in any postsecondary 2 institution other than what the school district 3 where the student is enrolled provides through 4 MARSS, which is our student information system. 5 Q. And I think I've seen that somewhere. 6 M-A-R- -- 7 A. M-A-R-S-S, Minnesota -- I don't know. I 8 would fail and butcher it. I just say MARSS. It 9 is very long. 10 Q. So it's the public school districts that 11 provide you any data that you have? 12 A. Until the postsecondary invoices MDE for 13 the PSEO course they offered, that is the 14 information that we have access to. 15 Q. And what information does the invoice 16 contain when you receive an invoice from a PSEO 17 school? 18 A. It lists the student, the course that the 19 student took, and which semester that the student 20 took the course. 21 Q. So you do have student names from the 22 invoices? 23 A. Yes. 24 Q. Okay. 25 A. It's a secure file that's uploaded to</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. This is from -- this email is from 2017? 2 A. I don't know. Oh, the email? Yes. 3 Q. About Christ-centered language on 4 Northwestern's website? 5 A. I see that, yes. 6 Q. Okay. Would you have been at MDE at this 7 time? 8 A. No. 9 Q. Okay. Do you see the religious language on 10 the printout? 11 A. Yes. 12 Q. It says, "Christ-centered. All of our 13 professors have a foundation of faith and teach 14 from a biblical worldview." 15 Did I read that correctly? 16 A. Yes. That's how I read it. 17 Q. So since 2017, MDE knew that Northwestern 18 professors taught their PSEO classes from a 19 biblical worldview? 20 MR. TIMMERMAN: Objection. Calls for 21 speculation. 22 You can answer if you know. 23 A. I do not know. 24 Q. Could you just -- so this is an email from 25 Jeanne Krile to Mary Barrie and Sharon Peck. Those</p>
<p style="text-align: right;">Page 127</p> <p>1 finance, yes. 2 Q. So if you wanted to pull data about 3 students participating in PSEO, you would have -- 4 would you refer to the invoices or would you refer 5 to MARSS, or both? 6 A. So there is a special report that's built 7 that records -- that marries some of that 8 information so that in the rigorous course-taking 9 report we identify overall, not individual students 10 but overall, some demographic indicators for all 11 students taking PSEO. But we do not do that at the 12 granular postsecondary level. 13 Q. Okay. 14 (Exhibit 14 was marked for 15 identification.) 16 A. (Reviewing document.) 17 Q. You've had a chance to review? 18 A. Yes, ma'am. 19 Q. Have you reviewed this before? 20 A. I've seen this before, yes. 21 Q. This email and the attachment? 22 A. I have not seen the email. I've seen the 23 screenshot of the -- 24 Q. Okay. 25 A. -- University of Northwestern.</p>	<p style="text-align: right;">Page 129</p> <p>1 are all MDE employees, right? 2 A. Correct. 3 Q. Okay. And the email says, "In the event 4 you get comments, the attachment shows Northwestern 5 College and their recent PSEO website updates. I 6 had a phone message from an unknown number pointing 7 out the 'Christ-centered' language on the PSEO web 8 page." 9 Is that correct? 10 A. That is what it says. 11 Q. Did MDE take any action against 12 Northwestern for this at the time? 13 A. I do not know. 14 Q. Has Northwestern -- was Northwestern a part 15 of the PSEO program in 2017? 16 A. To my knowledge it was, yes. 17 Q. And it has continued to be since then? 18 A. That is correct. To my understanding. 19 Q. So you don't know if Mary or Jeanne 20 believed that this language violated MDE policies 21 in 2017? 22 A. So it's not violating MDE policy. It would 23 be considered sectarian. And so, again, knowing 24 Mary, and Beth was there as well, I would presume 25 they would reach out and have a conversation about</p>

<p style="text-align: right;">Page 130</p> <p>1 it. Do I know the outcome of that conversation --</p> <p>2 likely conversation? I do not.</p> <p>3 Q. What do you know about Mary that makes you</p> <p>4 think she would have reached out?</p> <p>5 A. They worked through a lot of these issues,</p> <p>6 and so if Jeanne is saying -- this may have been a</p> <p>7 new posting on -- again, I don't know the full</p> <p>8 context of this, but for Jeanne to reach out to</p> <p>9 Mary, who was the supervisor of the PSEO</p> <p>10 specialist, program specialist, which was Beth</p> <p>11 Barsness, she must have just -- she must have been</p> <p>12 giving her a heads up that perhaps it didn't exist</p> <p>13 before.</p> <p>14 I don't know why it appears to be new</p> <p>15 information to them. But both are diligent in</p> <p>16 saying, "Hey, can you explain further?" So I would</p> <p>17 anticipate they did.</p> <p>18 Q. Is there an explanation with the -- so is</p> <p>19 there an explanation that Northwestern could give</p> <p>20 that would make this language permissible on their</p> <p>21 website today?</p> <p>22 MR. TIMMERMAN: Objection. Calls for</p> <p>23 speculation.</p> <p>24 You can answer if you know.</p> <p>25 A. I don't know if it persists or not. I</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. So it would not be allowed for a school to</p> <p>2 have the appearance of being sectarian in its</p> <p>3 communication to PSEO students?</p> <p>4 MR. TIMMERMAN: Objection.</p> <p>5 Mischaracterizes testimony and calls for</p> <p>6 speculation.</p> <p>7 You can answer if you know.</p> <p>8 A. The courses cannot be sectarian. So</p> <p>9 anything that may communicate to a potential</p> <p>10 student that they are or are not welcome to take a</p> <p>11 PSEO course from Northwestern University because of</p> <p>12 their biblical worldview, we would say that that</p> <p>13 promotes a sectarian and therefore limiting</p> <p>14 message.</p> <p>15 Q. So it's your -- so it's MDE's position that</p> <p>16 schools can't give students the appearance of being</p> <p>17 sectarian?</p> <p>18 A. Not on a PSEO web page for high school</p> <p>19 students, no.</p> <p>20 Q. And the language, "All of our professors</p> <p>21 have a foundation of faith and teach from a</p> <p>22 biblical worldview," gives -- in your opinion,</p> <p>23 gives students the impression that they might not</p> <p>24 be welcome in a PSEO course on the basis of faith?</p> <p>25 A. PSEO provides for nonsectarian courses that</p>
<p style="text-align: right;">Page 131</p> <p>1 think guidance would be -- that it isn't necessary</p> <p>2 to put that on a PSEO -- for PSEO.</p> <p>3 Q. So is it -- if you're a Christian school</p> <p>4 and you want to participate in the PSEO program,</p> <p>5 are you allowed to choose your professors on the</p> <p>6 basis of their faith?</p> <p>7 A. We do not get into the hiring practices.</p> <p>8 What our position is is if you offer PSEO that is</p> <p>9 funded by public dollars flowing through MDE, that</p> <p>10 it -- you cannot appear to be sectarian. And this</p> <p>11 could give the impression of sectarian being that</p> <p>12 it's headed as Christ-centered.</p> <p>13 Q. So it's --</p> <p>14 A. But that has nothing to do with the hiring</p> <p>15 practices of the institution.</p> <p>16 Q. So if Christian schools are allowed to</p> <p>17 participate in the PSEO program, how can they</p> <p>18 communicate their Christian identity to prospective</p> <p>19 students?</p> <p>20 A. Well, the question would be: If it's a</p> <p>21 publicly funded PSEO program, why do you need to</p> <p>22 communicate that? Because the courses have to be</p> <p>23 nonsectarian to be funded. And I don't like</p> <p>24 answering with a question, but that would be the</p> <p>25 question: Why would you need to broadcast that?</p>	<p style="text-align: right;">Page 133</p> <p>1 are publicly funded. Northwestern can do what they</p> <p>2 want around the courses that they teach. We will</p> <p>3 not fund courses that are taught from a sectarian</p> <p>4 point of view.</p> <p>5 So to remove any question, we would provide</p> <p>6 guidance to review the Christ-centered, "Our staff,</p> <p>7 our professors have a foundation of faith and teach</p> <p>8 from a biblical worldview."</p> <p>9 Q. So it that a yes or a no? They can or</p> <p>10 cannot include this language on their website?</p> <p>11 A. We would provide guidance that they remove</p> <p>12 it.</p> <p>13 Q. And if it's not removed, what's the</p> <p>14 consequence?</p> <p>15 MR. TIMMERMAN: Objection. Calls for</p> <p>16 speculation.</p> <p>17 You can answer if you know.</p> <p>18 A. It would call into question their</p> <p>19 eligibility to provide PSEO courses.</p> <p>20 Q. Okay. Let's look at the next one.</p> <p>21 MR. TIMMERMAN: Diana, we've been going</p> <p>22 another hour.</p> <p>23 MS. THOMSON: That's right. Let's take</p> <p>24 a break.</p> <p>25 (Break: 2:10 p.m. to 2:26 p.m.)</p>

<p style="text-align: right;">Page 134</p> <p>1 BY MS. THOMSON:</p> <p>2 Q. Let's look at this last document we were</p> <p>3 just reviewing. So you had seen this screenshot</p> <p>4 but you had not seen the email exchange?</p> <p>5 A. Correct.</p> <p>6 Q. Did you ever talk to Jeanne or any of the</p> <p>7 people on this email about this topic, the language</p> <p>8 on the website?</p> <p>9 A. No, I don't believe I did.</p> <p>10 Q. Do you know if anyone reached out to</p> <p>11 Northwestern about this?</p> <p>12 A. I do not.</p> <p>13 Q. Okay. Let's look at the next document</p> <p>14 here.</p> <p>15 (Exhibit 15 was marked for</p> <p>16 identification.)</p> <p>17 Q. Let me know when you've had a chance to</p> <p>18 review.</p> <p>19 A. (Reviewing document.) Okay.</p> <p>20 Q. Are you familiar with this document?</p> <p>21 A. I have seen this complaint, yes.</p> <p>22 Q. Did you review it in preparation for this</p> <p>23 deposition?</p> <p>24 A. I did.</p> <p>25 Q. Had you seen it before that?</p>	<p style="text-align: right;">Page 136</p> <p>1 the MHRA?</p> <p>2 MR. TIMMERMAN: Objection. Calls for a</p> <p>3 legal conclusion. Outside the scope of the topics</p> <p>4 she's been designated to testify about.</p> <p>5 You can answer if you know.</p> <p>6 A. I don't -- I -- this is outside of our</p> <p>7 purview.</p> <p>8 Q. Did you talk to anyone who was involved in</p> <p>9 this --</p> <p>10 A. I --</p> <p>11 Q. -- complaint process?</p> <p>12 A. I did speak with Mary Barrie, yes.</p> <p>13 Q. And she would have --</p> <p>14 A. Been the --</p> <p>15 Q. -- received this?</p> <p>16 A. -- supervisor over dual credit.</p> <p>17 Q. So she interacted with this complaint at</p> <p>18 the time?</p> <p>19 A. It was directed to the director, Paula</p> <p>20 Palmer, and then directed to Mary. And then I</p> <p>21 believe it was guidance via gov relations that this</p> <p>22 was not our purview and that -- I'm not sure who</p> <p>23 provided the guidance to go to the Minnesota</p> <p>24 Department of Human Rights.</p> <p>25 Q. And you don't know if that guidance</p>
<p style="text-align: right;">Page 135</p> <p>1 A. I don't think so.</p> <p>2 Q. What is it?</p> <p>3 A. It appears to be a complaint from a prior</p> <p>4 employee of Northwestern who was upset about tax</p> <p>5 dollars going to a private school that</p> <p>6 discriminated -- that they felt was anti-LGBT and</p> <p>7 that they did not admit gay students and would</p> <p>8 expel unrepentant gay students who did not adhere</p> <p>9 to the school's declaration of Christian community.</p> <p>10 Q. And on the second page, it says he thinks</p> <p>11 this would be a violation of the Minnesota Human</p> <p>12 Rights statute; is that right?</p> <p>13 A. Yes. That's what I'm reading.</p> <p>14 Q. Did anyone at MDE look into that in</p> <p>15 response to this complaint?</p> <p>16 A. From what I recall, the -- I feel like this</p> <p>17 was tied to a parent too, but perhaps not, and the</p> <p>18 recommendation or guidance to this person was to go</p> <p>19 to the human rights agency at the -- with the State</p> <p>20 to file this complaint about discrimination.</p> <p>21 Q. Did -- so is that what they would have --</p> <p>22 so do you know what the response was to Mr. Kaiser?</p> <p>23 A. I do not.</p> <p>24 Q. Dr. Kaiser.</p> <p>25 Did MDE agree that there was a violation of</p>	<p style="text-align: right;">Page 137</p> <p>1 actually -- if that communication was ever sent to</p> <p>2 Dr. Kaiser?</p> <p>3 A. Correct. I haven't seen that</p> <p>4 communication.</p> <p>5 Q. Okay.</p> <p>6 (Exhibit 16 was marked for</p> <p>7 identification.)</p> <p>8 Q. Take a look at this and let me know when</p> <p>9 you've had a chance to review.</p> <p>10 A. (Reviewing document.) All right.</p> <p>11 Q. Are you familiar with this email chain?</p> <p>12 A. Yes.</p> <p>13 Q. What is it?</p> <p>14 A. It appears to be from a staff member at MDE</p> <p>15 sharing with finance PSEO about the question that</p> <p>16 was asked of her son Noah, who was applying. And</p> <p>17 that there -- it seemed -- the application seemed</p> <p>18 to be incomplete. I'm not going to say</p> <p>19 "application." Submitting documents to us. I'm</p> <p>20 assuming that it's in applying for the program.</p> <p>21 And asking for a "How Jesus Christ at work</p> <p>22 in" -- "How have you seen Jesus Christ working</p> <p>23 through...and how will you" -- I saw this in much</p> <p>24 bigger font in preparation for this hearing. So</p> <p>25 asking secular questions around the application for</p>

<p style="text-align: right;">Page 138</p> <p>1 PSEO.</p> <p>2 Q. Were you involved in this exchange or this</p> <p>3 conversation at the time?</p> <p>4 A. I don't recall being included in this.</p> <p>5 Q. But you reviewed it in preparation for this</p> <p>6 deposition?</p> <p>7 A. Correct.</p> <p>8 Q. So you would not have been in the meeting</p> <p>9 about -- the meeting they mentioned about this --</p> <p>10 Jeanne mentioned in the last email?</p> <p>11 A. I may have been redirected to COVID at that</p> <p>12 point. It seems like I would have been. So I</p> <p>13 would not have been a part of these.</p> <p>14 Q. Okay. Did you talk to anyone who was</p> <p>15 involved in this about this --</p> <p>16 A. No, I did not ask Jeanne about this.</p> <p>17 Q. -- conversation?</p> <p>18 So you don't know what happened at the</p> <p>19 meeting?</p> <p>20 A. I do not.</p> <p>21 Q. You mentioned PSEO courses that have been</p> <p>22 denied funding based on eligibility. Are you aware</p> <p>23 of any that are specifically -- that were</p> <p>24 specifically denied because of sectarian content?</p> <p>25 A. I have a working knowledge that some have</p>	<p style="text-align: right;">Page 140</p> <p>1 A. (Reviewing document.)</p> <p>2 Q. Are you familiar with this document?</p> <p>3 A. I recognize it as something that we</p> <p>4 received from the commissioner. It was sent to the</p> <p>5 commissioner and forwarded to us.</p> <p>6 Q. It was a complaint about public money being</p> <p>7 used to support discrimination; is that correct?</p> <p>8 A. That's what it appears to be, yes. That's</p> <p>9 the concern from the person sending the email.</p> <p>10 Q. Was there a response to this communication?</p> <p>11 A. I believe this was also one where it was</p> <p>12 forwarded to the Human Rights, as it was determined</p> <p>13 that we didn't have standing to address it.</p> <p>14 Q. Why not?</p> <p>15 A. So it relates to discrimination against</p> <p>16 their admissions, and we were told that we didn't</p> <p>17 have standing to address that with them directly;</p> <p>18 that that would be a Human Rights -- Department of</p> <p>19 Human Rights again. There were -- as Mary</p> <p>20 asserted, she said that we have a lot of these.</p> <p>21 And after working with -- we didn't have special</p> <p>22 counsel at that point located in MDE. We do now.</p> <p>23 Q. When you say you were told, who told you?</p> <p>24 A. It was likely my supervisor, which was</p> <p>25 Stephanie Graff at the time.</p>
<p style="text-align: right;">Page 139</p> <p>1 been denied, but I don't have any specific</p> <p>2 recollection of which. In which institution.</p> <p>3 Q. So you think that there have been denials</p> <p>4 on the basis of -- denials of reimbursement on the</p> <p>5 basis of sectarian content in a course?</p> <p>6 A. If the name of a course -- so we review</p> <p>7 this large file. If the file seems to have a</p> <p>8 course that implies a sectarian vent, then we reach</p> <p>9 out to the program. We get clarification. We may</p> <p>10 look at a syllabus. If that is confirmed, then</p> <p>11 that becomes a secular course and is not fundable</p> <p>12 for PSEO. That has happened.</p> <p>13 Q. So if you saw the name of a course, that</p> <p>14 could prompt an investigation?</p> <p>15 A. Well, it's not an investigation. It's just</p> <p>16 a conversation with them to --</p> <p>17 Q. Further --</p> <p>18 A. -- find out more.</p> <p>19 Q. So that would be an inquiry --</p> <p>20 A. An inquiry.</p> <p>21 Q. -- in the absence of a complaint?</p> <p>22 A. Correct.</p> <p>23 Q. Okay.</p> <p>24 (Exhibit 17 was marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 141</p> <p>1 Q. So was this addressing admissions</p> <p>2 requirements?</p> <p>3 A. It is addressing discrimination in</p> <p>4 admissions requirements.</p> <p>5 Q. So it wasn't discussed -- so was there a</p> <p>6 discussion about whether this was a violation of</p> <p>7 the nonsectarian language?</p> <p>8 A. It was discussed that the practices should</p> <p>9 make the institution ineligible to be part of PSEO.</p> <p>10 Q. Dr. Barrie said Northwestern used the</p> <p>11 language -- they used the term "contaminate,"</p> <p>12 referring to students. Do you know where she heard</p> <p>13 that?</p> <p>14 A. I do not, actually. She said it was used.</p> <p>15 She was the supervisor before I was the supervisor,</p> <p>16 so I don't know if it was in a meeting or -- I</p> <p>17 don't know, actually.</p> <p>18 Q. Would she have been in a position to</p> <p>19 communicate back and forth with the school?</p> <p>20 A. As supervisor, as the previous supervisor</p> <p>21 for dual credit, if she received -- if MDE received</p> <p>22 complaints, those complaints would have likely been</p> <p>23 directed to her. And she may have taken them or</p> <p>24 directed them back -- directed them on to Beth</p> <p>25 Barsness. Or finance, if they were finance issues.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. Have you ever heard anyone from 2 Northwestern use the word "contaminate"?</p> <p>3 A. No.</p> <p>4 Q. In your experience, how does Dr. Barrie 5 feel about religious schools receiving PSEO 6 funding?</p> <p>7 MR. TIMMERMAN: Objection. Relevance. 8 Outside the scope of the 30(b)(6) designated 9 topics.</p> <p>10 You can answer if you know.</p> <p>11 A. I have no idea. She's -- I have no idea.</p> <p>12 Q. So you said you'd shared this with Paula. 13 What was Paula's response?</p> <p>14 A. Paula would have taken it to Stephanie, and 15 we would have been directed by MDE leadership how 16 to progress. And it was that this a human rights 17 issue.</p> <p>18 Q. So you say that it was forwarded to the 19 Human Rights Department?</p> <p>20 A. I don't know we -- if MDE forwarded it or 21 communicated back with Mr. Connolly that this 22 needed to go to the Human Rights -- in line with 23 the previous --</p> <p>24 Q. Who would have --</p> <p>25 A. -- recommendation. I don't know who would</p>	<p style="text-align: right;">Page 144</p> <p>1 and the -- what appeared to be discrimination, 2 which we were -- that was clarified for us by 3 saying that that was not our role and that there 4 was another agency for that.</p> <p>5 Q. So when you say -- you said is this a 6 program issue?</p> <p>7 A. Program or finance. So --</p> <p>8 Q. Okay. So when you -- the answer -- so 9 you asked the question: What would be the 10 recourse? And it seems like you're asking whether 11 the school would be unapproved to offer PSEO?</p> <p>12 A. Ineligible. Correct.</p> <p>13 Q. And the answer to that -- did you get an 14 answer to that question?</p> <p>15 A. That was not the direction. We did not get 16 an answer to that question. That was not the 17 direction that leadership was going in.</p> <p>18 Q. So you didn't get a yes-or-no answer?</p> <p>19 A. Correct.</p> <p>20 Q. The answer was: This is not MDE's purview?</p> <p>21 A. Correct.</p> <p>22 Q. Was there any discussion that the schools 23 would be -- might be violating the First Amendment, 24 the Free Exercise Clause or the Establishment 25 Clause?</p>
<p style="text-align: right;">Page 143</p> <p>1 have. I did not. Paula may have. Stephanie may 2 have. The commissioner may have. I don't know.</p> <p>3 Q. So you don't know if there was any further 4 written communication after this?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. You said the policy is clear. What policy 7 were you referring to?</p> <p>8 A. I don't recall. It must have been the 9 nonsectarian, which I can look back now at this 10 statement and attest to that I learned way more 11 about PSEO after becoming supervisor. This was in 12 December, and I became supervisor, I'm not sure, 13 maybe in September or -- September or October.</p> <p>14 Q. Do you mean you became director?</p> <p>15 A. In '21 I was the supervisor. Paula was the 16 director.</p> <p>17 Q. Okay. I want to make sure I understand. 18 When this happened, you were not yet a supervisor? 19 Or you had just become a supervisor?</p> <p>20 A. I had become a supervisor --</p> <p>21 Q. Okay. So you were still learning?</p> <p>22 A. -- over dual credit. Correct. I mean, 23 I -- I did not know the ins and outs like I do now. 24 And so I was -- I don't know. I don't know how I 25 was looking at it. Probably the nonsectarian piece</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Having stated that I'm not clear on the 2 details of either one of those, I don't know.</p> <p>3 Q. Are you aware that the First Amendment 4 applies to public schools but not to private 5 schools?</p> <p>6 MR. TIMMERMAN: Objection. Calls for a 7 legal conclusion.</p> <p>8 You can answer if you know.</p> <p>9 A. I would presume they apply to both, but I 10 don't know. I wouldn't even -- I wouldn't posit an 11 answer. How about that? I don't know.</p> <p>12 Q. Okay.</p> <p>13 (Mr. Landon exited the proceedings.) 14 (Exhibit 18 was marked for 15 identification.)</p> <p>16 Q. Let me know when you've had a chance to 17 look.</p> <p>18 A. (Reviewing document.)</p> <p>19 Q. You've had a chance to review?</p> <p>20 A. I did.</p> <p>21 Q. Okay. Are you familiar with this document?</p> <p>22 A. I am.</p> <p>23 Q. It's an email chain about some information 24 that Senator Kunesh requested?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 146</p> <p>1 Q. What was your sense of why Senator Kunesh 2 requested this information? 3 MR. TIMMERMAN: Object to this line of 4 questioning on the grounds that it's beyond the 5 scope of topics she's been identified to testify 6 about. 7 You can testify in your individual 8 capacities to the extent you know. 9 A. I don't know. It doesn't say. 10 Q. Do you know how she used the information? 11 A. I have no idea. 12 Q. Okay. On the first page, the second email, 13 you sent an email to Eric Billiet? 14 A. Billiet. 15 Q. And Beth Barsness? 16 A. Mm-hmm. 17 Q. Saying, "Interesting data." 18 Is that correct? 19 A. Correct. 20 Q. Did you attach the data to that email? 21 A. It must have been. 22 Q. Did you provide that email to your counsel 23 when they were collecting information relevant to 24 this case? 25 A. I don't recall. We -- they scanned our</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. TIMMERMAN: Same objection. 2 You can answer. 3 A. Have I heard people say things that 4 Northwestern and Crown would take as negative? 5 Yes. 6 Q. Can you give an example? 7 MR. TIMMERMAN: Same objection. This 8 whole line of questioning is beyond the scope of 9 what she's been designated to testify to under 10 Rule 30(b)(6). 11 You can testify on your individual 12 capacity. 13 A. Frustration that repeated conversations 14 yield the same result and did not change the faith 15 statement requirement by the college. 16 Q. So MDE has requested that the schools -- 17 that Crown or Northwestern change their faith 18 statement? 19 A. Remove the faith statement. 20 Q. MDE has made that request? 21 A. Yes, I believe. 22 Q. And there have been repeated conversations 23 about it? 24 A. Yes. 25 Q. Would those have been in writing?</p>
<p style="text-align: right;">Page 147</p> <p>1 email, so I'm assuming so. 2 Q. Do you -- what did you think was 3 interesting about the data? 4 A. I don't recall, honestly. 5 Q. Do you recall why Beth would have thought 6 the chain was interesting? 7 A. Because of the request and that it was -- 8 well, I can't really speak to why. I'm assuming 9 the request and going back and forth and what data 10 we have and what data we don't have. She may have 11 found that interesting. I guess I can't speak to 12 that. 13 Q. Did you understand Crown and Northwestern 14 to be the only two schools with faith statements 15 during the legislative process? 16 A. Yes, during the legislative process. 17 Q. Do you still have that understanding? 18 MR. TIMMERMAN: Object to the extent 19 this is beyond the scope of the topics she's been 20 identified to testify to. 21 You can answer to the extent you know 22 personally. 23 A. I don't know. 24 Q. Have you ever heard any MDE staff make 25 negative comments about Crown or Northwestern?</p>	<p style="text-align: right;">Page 149</p> <p>1 A. Some of them are in writing. I've seen 2 them. Some of them are conversations which led to 3 the legislative language. 4 Q. But they were not excluded from the PSEO 5 program? 6 A. They were eligible to offer courses. If 7 all their courses were funded, that I don't know. 8 Q. Who would have expressed that frustration? 9 A. Finance. Individuals in meetings talking 10 about: How do we address this through the various 11 complaints that we received? 12 Q. So is that Jeanne in finance? 13 A. It would be Jeanne. It would be Beth. It 14 would be myself. It would be Mary Barrie. It 15 would be Eric Billiet. It would be Sharon Peck. 16 It would be Stephanie Graff. It would be Paula 17 Palmer. It would be Tom Melcher. It would be -- 18 pretty much everyone on all of these communications 19 has expressed frustration. 20 Q. To your -- do Crown and Northwestern 21 currently meet the eligibility requirements for 22 PSEO while the amendment is not in effect? 23 MR. TIMMERMAN: Object to the extent 24 this is beyond the topics she's been identified to 25 testify to.</p>

<p style="text-align: right;">Page 150</p> <p>1 You can answer to the extent you know</p> <p>2 personally.</p> <p>3 A. Northwestern and Crown are still eligible</p> <p>4 to submit funding for PSEO -- the invoices for PSEO</p> <p>5 courses.</p> <p>6 MR. TIMMERMAN: Actually, I'll strike</p> <p>7 that objection.</p> <p>8 MS. THOMSON: Yeah.</p> <p>9 MR. TIMMERMAN: This is under Request</p> <p>10 for Designation Number 6, so please strike my last</p> <p>11 objection.</p> <p>12 MS. THOMSON: Thank you.</p> <p>13 BY MS. THOMSON:</p> <p>14 Q. And as far as you know, if the amendment</p> <p>15 takes effect and Crown and Northwestern continue</p> <p>16 their current policies, they will no longer be</p> <p>17 eligible institutions for PSEO?</p> <p>18 A. Not speaking to the timeline of that, yes,</p> <p>19 they would become ineligible.</p> <p>20 Q. Is there anything else keeping either of</p> <p>21 them from being eligible?</p> <p>22 A. Offering nonsectarian courses repeatedly.</p> <p>23 I mean repeatedly offering sectarian courses.</p> <p>24 Thank you.</p> <p>25 Q. So repeatedly offering sectarian courses</p>	<p style="text-align: right;">Page 152</p> <p>1 like it was the one submitted from MDE to the</p> <p>2 governor's -- for the governor's consideration.</p> <p>3 Q. And I'm looking at page 2 where it says,</p> <p>4 "Impact to the Agency" -- "to Your Agency." In red</p> <p>5 line, "More students would participate in PSEO" is</p> <p>6 crossed out?</p> <p>7 A. Correct. I see that.</p> <p>8 Q. Do you know who made this edit?</p> <p>9 A. I do not.</p> <p>10 Q. Is that -- would it have been because the</p> <p>11 amendment wouldn't allow more students to</p> <p>12 participate in PSEO?</p> <p>13 MR. TIMMERMAN: Objection. Calls for</p> <p>14 speculation.</p> <p>15 You can answer if you know.</p> <p>16 A. It was -- it would have been after us. We</p> <p>17 don't see it when it says the education</p> <p>18 commissioner; that means that it's being submitted</p> <p>19 to the governor for his platform or her platform.</p> <p>20 Q. So MDE would not have made these edits?</p> <p>21 A. Someone in MDE would have made this edit</p> <p>22 before it went to the governor's office.</p> <p>23 Q. Is MDE aware that institutions might choose</p> <p>24 not to offer on-campus PSEO if they have to give up</p> <p>25 their statements of faith?</p>
<p style="text-align: right;">Page 151</p> <p>1 would not only make the courses ineligible but it</p> <p>2 would make the schools ineligible under the</p> <p>3 statute?</p> <p>4 A. The courses are ineligible. The statute,</p> <p>5 if it is implemented, then makes the program</p> <p>6 ineligible to be -- to provide PSEO courses.</p> <p>7 Q. Has MDE ever asked an institution to change</p> <p>8 its admissions practices outside of the faith</p> <p>9 statement requirement?</p> <p>10 A. Not that I'm aware of. Not that I'm aware</p> <p>11 of.</p> <p>12 Q. Would you like to take a break?</p> <p>13 A. Sure.</p> <p>14 (Break: 3:00 p.m. to 3:13 p.m.)</p> <p>15 BY MS. THOMSON:</p> <p>16 Q. Let's take a look at the next document.</p> <p>17 (Exhibit 19 was marked for</p> <p>18 identification.)</p> <p>19 A. (Reviewing document.)</p> <p>20 Q. Ready?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Are you familiar with this document?</p> <p>23 A. I am.</p> <p>24 Q. What is it?</p> <p>25 A. This is a Preliminary Form A. It looks</p>	<p style="text-align: right;">Page 153</p> <p>1 A. We are aware that postsecondary</p> <p>2 institutions have said that, yeah.</p> <p>3 Q. So does that mean that the amendment would</p> <p>4 not allow more students to participate in PSEO if</p> <p>5 they can't participate in those on-campus programs?</p> <p>6 MR. TIMMERMAN: Objection. Calls for</p> <p>7 speculation.</p> <p>8 You can answer if you know.</p> <p>9 A. I have no idea.</p> <p>10 Q. Did MDE understand that fewer students</p> <p>11 would be able to take PSEO if schools choose not to</p> <p>12 participate without their statement of faith?</p> <p>13 A. There are currently 64 other institutions</p> <p>14 minus the 18. So I'm not in a position to do math</p> <p>15 right now, but there are other institutions where</p> <p>16 students would be able to access PSEO as well. So</p> <p>17 I don't think that was our understanding. I don't</p> <p>18 recall that being a part of our conversations.</p> <p>19 Q. Let's look at page 3 where it says "One</p> <p>20 Minnesota Goals." What does "One Minnesota Goals"</p> <p>21 mean?</p> <p>22 A. One Minnesota is the governor's platform or</p> <p>23 vision for Minnesota as the governor of Minnesota.</p> <p>24 And when we make proposals, we have to identify</p> <p>25 where it ties into the One Minnesota goals for this</p>

<p style="text-align: right;">Page 154</p> <p>1 governor.</p> <p>2 Q. So here, "This proposal would help to</p> <p>3 increase the four-year graduation rate overall by</p> <p>4 expanded participation in rigorous courses" is</p> <p>5 crossed out, and it says this proposal "Would help</p> <p>6 ensure every student receives a word-class</p> <p>7 education by reducing barriers to accessing</p> <p>8 rigorous coursework," correct?</p> <p>9 A. That is the -- that is what I see.</p> <p>10 Q. So the goal was not to increase the</p> <p>11 graduation rate?</p> <p>12 MR. TIMMERMAN: Objection. Calls for</p> <p>13 speculation. Also outside the scope.</p> <p>14 A. I did not make this change, so I'm not sure</p> <p>15 what -- I don't know why they selected this.</p> <p>16 Q. Did MDE consider other options that would</p> <p>17 have increased the graduation rate for legislative</p> <p>18 proposals?</p> <p>19 A. Overall? Like, all of our -- or just our</p> <p>20 divisions? Or, I mean, I think most of the</p> <p>21 proposals put forward legislatively are to increase</p> <p>22 access to opportunities and increase the graduation</p> <p>23 rate.</p> <p>24 Q. If the schools choose not to change their</p> <p>25 faith statement requirements, did anyone at MDE</p>	<p style="text-align: right;">Page 156</p> <p>1 admissions policies if families had not brought</p> <p>2 them to their attention?</p> <p>3 A. Families and other community members. We</p> <p>4 do not regularly review admission policies. So</p> <p>5 yes.</p> <p>6 Q. So you wouldn't have had any way to find</p> <p>7 out without hearing about them from the families?</p> <p>8 A. And former staff and others, correct.</p> <p>9 Q. Okay. I'm on -- I'm turning back to</p> <p>10 page 3, the paragraph where it says, "What groups</p> <p>11 are impacted by the proposed policy item?" at the</p> <p>12 top.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Okay. The last sentence in that bullet</p> <p>15 point -- in the sub-bullet point says, "Since the</p> <p>16 two private postsecondary institutions that we know</p> <p>17 of who require faith statements are Christian-based</p> <p>18 institutions, groups impacted by this policy item</p> <p>19 would be any group or individual that does not</p> <p>20 practice Christianity or anyone who feels that this</p> <p>21 is not an appropriate thing to require from</p> <p>22 publicly funded students."</p> <p>23 Is that what that says?</p> <p>24 A. That's how I'm reading it.</p> <p>25 Q. So when MDE made this proposal, it was</p>
<p style="text-align: right;">Page 155</p> <p>1 consider that it would create barriers for students</p> <p>2 who want to take classes on campus at those</p> <p>3 schools?</p> <p>4 A. That was not a part of our discussion, no.</p> <p>5 Q. Okay.</p> <p>6 (Exhibit 20 was marked for</p> <p>7 identification.)</p> <p>8 Q. Next exhibit. Are you familiar with this</p> <p>9 document?</p> <p>10 A. I have seen it, yes.</p> <p>11 Q. What is it?</p> <p>12 A. It is the 2020 or '21 legislative session</p> <p>13 proposal put forward by the division to -- for</p> <p>14 consideration from the commissioner.</p> <p>15 Q. And this would have -- would this have been</p> <p>16 the final version of that?</p> <p>17 A. I can't speak to that. That, I'm not sure.</p> <p>18 Q. Okay. On page 4, the last bullet point</p> <p>19 under "Impact on Children and Families," it says,</p> <p>20 "How have children and families been engaged by</p> <p>21 creating this policy?"</p> <p>22 And the answer says, "This was brought to</p> <p>23 our attention by families"; is that correct?</p> <p>24 A. That is what I see, yes.</p> <p>25 Q. Would MDE have been unaware of the schools'</p>	<p style="text-align: right;">Page 157</p> <p>1 attempting to address a perceived problem with the</p> <p>2 practices of two specific Christian universities?</p> <p>3 MR. TIMMERMAN: Objection. Foundation.</p> <p>4 Calls for speculation. Outside the scope of</p> <p>5 designated topics.</p> <p>6 You can answer if you know.</p> <p>7 A. MDE was attempting to address the concerns</p> <p>8 and complaints that we received from the community,</p> <p>9 which happened to be about those two, related to</p> <p>10 this issue.</p> <p>11 Q. Those two schools?</p> <p>12 A. Related to this issue, yes.</p> <p>13 Q. And it was not aware of any other</p> <p>14 institutions where this was a problem?</p> <p>15 A. We did not receive complaints from other --</p> <p>16 about other institutions.</p> <p>17 Q. So MDE was aware that the amendment would</p> <p>18 only impact Christian institutions that qualified</p> <p>19 as religious institutions at the time it proposed</p> <p>20 the amendment?</p> <p>21 MR. TIMMERMAN: Objection. Vague.</p> <p>22 Calls for speculation.</p> <p>23 You can answer if you know.</p> <p>24 Also outside the scope.</p> <p>25 You can answer if you know.</p>

<p style="text-align: right;">Page 158</p> <p>1 A. What we knew is that, going forward, that 2 any institution that attempted to provide PSEO or 3 then highly secularized those courses for PSEO or 4 the program for PSEO would be addressed by the 5 statute going forward, whether we knew about the 6 potential or not. So, no, it wasn't specific to 7 Christian organizations. 8 Q. But the only complaints you had received 9 were about Christian institutions? 10 A. Correct. 11 Q. Can you tell me about the concurrent 12 enrollment program? 13 A. The concurrent enrollment program is a 14 capped amount of funding where high schools partner 15 with a postsecondary institution to offer on-site 16 dual credit-bearing courses with either a qualified 17 high school district employee or a postsecondary 18 institution's staff. 19 Q. And that's separate from the PSEO program, 20 right? 21 A. It is a different funding source, yes. 22 Q. So you said it's capped funding. How -- 23 what is the -- how does the funding work? Does the 24 funding go to the high school that's offering the 25 course?</p>	<p style="text-align: right;">Page 160</p> <p>1 Department's treatment of other private 2 institutions and state actors outside of the PSEO 3 program? 4 A. If it -- it depends on how far outside of 5 the PSEO program and what you're designating as 6 MDE. So I'm prepared to talk about PSEO. I can 7 speak to concurrent enrollment. 8 Q. Is that an MDE program? 9 A. Concurrent enrollment is a dual credit 10 program that operates within the dual credit and 11 our division. 12 Q. And do private institutions participate in 13 that program? 14 A. They participate either through -- well, 15 they all participate through contract with the 16 school district. So the district is the 17 contracting entity with the postsecondaries, not 18 MDE. 19 Q. Does MDE oversee that program? 20 A. We verify that the programs that are 21 providing -- the postsecondaries that are providing 22 the concurrent enrollment -- the credit for the 23 concurrent enrollment course are NACEP approved. 24 Certificated. 25 Q. Are what approved?</p>
<p style="text-align: right;">Page 159</p> <p>1 A. Correct. It's \$4 million per year, and it 2 affords up to \$150 per course taken by a student, 3 concurrent enrollment student. We have much more 4 utilization of concurrent enrollment. The ADM 5 remains the same at the district high school. And 6 from \$150, it's proportioned -- I think the last 7 one was, like, \$52 per student to defray costs for 8 concurrent enrollment courses. 9 Q. You said ADM? 10 A. Average daily membership. So the revenue 11 that's generated by school districts. 12 Q. And is that funding that goes from MDE to 13 the school? 14 A. Correct. 15 Q. And some of those courses are provided in 16 partnership with private colleges and some with 17 public? 18 MR. TIMMERMAN: I'm going to object on 19 the grounds that she's not been designated to talk 20 about concurrent enrollment, nor is that a topic in 21 the 30(b)(6) notice. 22 So you can testify, but you're testifying 23 based on your own personal understanding. 24 BY MS. THOMSON: 25 Q. Are you prepared to talk about the</p>	<p style="text-align: right;">Page 161</p> <p>1 A. NACEP, National -- I'd have to look it up. 2 It's an accrediting body. Many states use NACEP 3 accreditation so they verify that they are eligible 4 to provide a credit, essentially. 5 Q. So the funding comes from the school 6 district, not from MDE, but MDE oversees the 7 program? 8 A. We do not oversee. We verify that the 9 postsecondary -- and this is if we pay the district 10 for the concurrent enrollment. Probably more than 11 half of the concurrent enrollment, we don't collect 12 data on that. That's just the current guess. Many 13 districts have private contracts with postsecondary 14 institutions that we know nothing about, and they 15 fund it out of the revenue that they generate and 16 it does not come through MDE. 17 Q. But there are instances where the funding 18 comes through MDE? 19 A. To the district. 20 Q. To the district. 21 A. So that capped amount. Correct. 22 Q. Are there private high schools that 23 participate in that program? 24 A. No. Private high schools cannot offer 25 concurrent enrollment. Unless -- I mean, they can,</p>

<p style="text-align: right;">Page 162</p> <p>1 but it's not funded through the State. Let me 2 clarify. 3 Q. Okay. Let's look at the next exhibit. 4 (Exhibit 21 was marked for 5 identification.) 6 Q. And I'm looking at page 22 of this 7 document. Are you familiar with this document? 8 A. Yes. 9 Q. Okay. It's a PSEO reference guide? 10 A. Yes. 11 Q. Okay. There's an -- under "Choosing to 12 Participate," there's a note, and it says, 13 "Nonpublic schools are not required to follow all 14 sections of the PSEO law. Students and families 15 attending nonpublic schools are encouraged to 16 discuss the school's PSEO policy with a counselor 17 or program advisor." 18 Is that correct? 19 A. I see that. 20 Q. What are the sections that nonpublic 21 schools are not required to follow? 22 A. Nonpublic schools, being a K-12. So if a 23 student earns a credit while attending a PSEO 24 course, the high school has to provide the dual 25 credit. So they have to provide credit on the high</p>	<p style="text-align: right;">Page 164</p> <p>1 it's a nonsecular course that was -- 2 Q. Nonsectarian? 3 A. Yes. What did I say? I don't even know. 4 Yes. Nonsectarian course, and the 5 postsecondary submits the invoice and Maranatha has 6 provided dual credit, then the postsecondary will 7 be -- receive payment for the course with public 8 funds. 9 Q. Have you ever heard anyone say that -- at 10 MDE say that public dollars should not go towards 11 discriminatory schools that have discriminatory 12 policies? 13 A. Yes. 14 Q. Okay. Do you know who that was? 15 A. It wouldn't be one person over the course 16 of my time at MDE. 17 Q. Numerous people? 18 A. Legislators. Yes. We've heard it from 19 many people. 20 Q. Including MDE staff? 21 A. In the course of a conversation. That's 22 the belief. 23 Q. Okay. 24 (Exhibit 22 was marked for 25 identification.)</p>
<p style="text-align: right;">Page 163</p> <p>1 school transcript. Nonpublic schools are not bound 2 by that in statute. So if I attend Maranatha, from 3 an earlier example, Maranatha could say, "We are 4 not going to provide dual credit." 5 Q. So would that still -- so would MDE still 6 consider that credit to be public education? 7 A. We would not fund that if Maranatha did not 8 provide dual credit because PSEO requires dual 9 credit. 10 Q. If they did provide the dual credit, if the 11 high school -- the private high school provided the 12 dual credit, would MDE consider that to be public 13 education? 14 A. It is through the PSEO public school 15 option, correct. 16 Q. Is it the funding that makes it public 17 education that it's funded by MDE? 18 A. It's the dual credit that is awarded and 19 then the determination that the course can be 20 funded. 21 Q. So even though it's a -- may be a student 22 attending a private postsecondary institution and a 23 private high school, the dual credit makes it -- 24 has an influence on whether it's -- 25 A. Well, and it's nonsecular. Correct. So if</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. And I can represent that this is a printout 2 from MDE's website, and you can take a look at it. 3 A. (Reviewing document.) 4 Q. Sorry there's not page numbers, but I'm 5 looking towards the middle. At the top there's a 6 question about transportation. 7 MR. TIMMERMAN: I'm sorry, Diana. What 8 page is that? 9 MS. THOMSON: It's page 5. No. Let me 10 look again. 11 MR. TIMMERMAN: Maybe 6. I see. 12 MS. THOMSON: Okay. 13 MR. TIMMERMAN: "Do all nonpublic K-12 14 students qualify for transportation...?" Is that 15 the -- 16 MS. THOMSON: Yes. 17 MR. TIMMERMAN: Okay. 18 BY MS. THOMSON: 19 Q. So I'm just looking at that paragraph, and 20 I have some questions about bussing. My 21 understanding from reviewing this is that all 22 public school districts are required to provide 23 transportation within the district for all 24 schoolchildren to any school if transportation is 25 necessary for those kids, even if it's to private</p>

<p style="text-align: right;">Page 166</p> <p>1 schools; is that correct?</p> <p>2 A. That is my understanding.</p> <p>3 Q. Would MDE consider the financial benefit to</p> <p>4 the school to constitute state dollars going to a</p> <p>5 private school?</p> <p>6 MR. TIMMERMAN: Objection. Vague.</p> <p>7 Calls for speculation.</p> <p>8 You can answer if you know.</p> <p>9 A. So can you restate? Because I'm not sure I</p> <p>10 understand your question.</p> <p>11 Q. Okay. Would -- so if students are being</p> <p>12 bussed by the public school district to a private</p> <p>13 school, is that a financial benefit -- is that</p> <p>14 state dollars going to private -- a private school?</p> <p>15 A. The dollars don't go to the private school.</p> <p>16 It is a requirement of the district that is</p> <p>17 providing the transportation. So there are no</p> <p>18 dollars that go to the public schools. The public</p> <p>19 school is expected -- the district is expected to</p> <p>20 provide that transportation.</p> <p>21 Q. So even though the private school</p> <p>22 benefits --</p> <p>23 A. Well, the students benefit.</p> <p>24 Q. I mean, doesn't the private school benefit</p> <p>25 too if they're not having to provide</p>	<p style="text-align: right;">Page 168</p> <p>1 families who attend nonpublic schools.</p> <p>2 Q. So is it MDE's position that if a school</p> <p>3 has students that receive free textbooks, that</p> <p>4 they're providing a public education?</p> <p>5 A. They are not receiving the textbooks. They</p> <p>6 are receiving the loan of the textbooks during the</p> <p>7 course of a course is what I anticipate. But they</p> <p>8 do not receive the textbooks.</p> <p>9 Q. Is there not a financial benefit to the</p> <p>10 school if they don't have to provide the textbook</p> <p>11 to the student?</p> <p>12 MR. TIMMERMAN: Objection. Calls for</p> <p>13 speculation.</p> <p>14 You can answer.</p> <p>15 A. The benefit is to the student and families.</p> <p>16 Q. So MDE does not consider that to be</p> <p>17 providing a public education?</p> <p>18 MR. TIMMERMAN: Objection. Asked and</p> <p>19 answered.</p> <p>20 You can answer again.</p> <p>21 A. Same. It's in support of students and</p> <p>22 families.</p> <p>23 Q. Is that a no? It's a yes-or-no question.</p> <p>24 MR. TIMMERMAN: Same objection.</p> <p>25 A. Can you restate it, please?</p>
<p style="text-align: right;">Page 167</p> <p>1 transportation?</p> <p>2 MR. TIMMERMAN: Objection. Calls for</p> <p>3 speculation.</p> <p>4 You can answer if you know.</p> <p>5 A. I would presume that the perspective is</p> <p>6 that it supports students and families.</p> <p>7 Q. So is it MDE's position that private</p> <p>8 schools who have students that are bussed to the</p> <p>9 school by the public school district are providing</p> <p>10 a public education?</p> <p>11 A. I don't know what MDE's position on this</p> <p>12 transportation option is.</p> <p>13 Q. So the next question on that is the</p> <p>14 Nonpublic Pupil Aids Program. It says, "The</p> <p>15 Nonpublic Pupil Aids Program allows nonpublic</p> <p>16 students to receive publically funded textbooks on</p> <p>17 a loan basis and health, guidance, and counseling</p> <p>18 services."</p> <p>19 Does that mean that public -- that students</p> <p>20 at private schools can receive publicly funded</p> <p>21 textbooks?</p> <p>22 A. For the use during a course, yes.</p> <p>23 Q. Does that constitute public dollars going</p> <p>24 to private schools?</p> <p>25 A. That constitutes support for students and</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. So MDE does not consider it to be providing</p> <p>2 a public education for students to receive free</p> <p>3 textbooks at private schools?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 (Exhibit 23 was marked for</p> <p>7 identification.)</p> <p>8 Q. Let me know if you're familiar with this</p> <p>9 document.</p> <p>10 A. I am.</p> <p>11 Q. Okay. What is it?</p> <p>12 A. It is the rigorous course taking report.</p> <p>13 It's a required legislative annual report</p> <p>14 summarizing -- it's due February 1st, summarizing</p> <p>15 the most current year's finalized data --</p> <p>16 Q. Okay.</p> <p>17 A. -- around all dual credit and international</p> <p>18 baccalaureate and advanced placement courses.</p> <p>19 Q. On the second page, it says this was</p> <p>20 prepared by the Career and College Success</p> <p>21 Division. Would you have reviewed this document</p> <p>22 before it was submitted?</p> <p>23 A. Yes.</p> <p>24 Q. So it's fair to say this report reflects</p> <p>25 the Department's views on the programs in it?</p>

<p style="text-align: right;">Page 170</p> <p>1 A. It is a summary of the data that we collect</p> <p>2 for the report that's asked for by the legislature,</p> <p>3 correct.</p> <p>4 Q. And it reflects the Department's views on</p> <p>5 that data?</p> <p>6 MR. TIMMERMAN: Objection. Asked and</p> <p>7 answered.</p> <p>8 You can answer it.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. I'm looking at page 5. The first</p> <p>11 paragraph, it says -- the second sentence says,</p> <p>12 "These programs" -- including PSEO -- "offer</p> <p>13 pathways to Minnesota students, provide</p> <p>14 opportunities and preparation for the world beyond</p> <p>15 high school, and gives students the opportunity to</p> <p>16 earn college credit while in high school."</p> <p>17 Is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. And those are MDE's goals in offering the</p> <p>20 PSEO program?</p> <p>21 A. I believe those are the stated legislative</p> <p>22 goals when the -- it was implemented.</p> <p>23 Q. So yes?</p> <p>24 A. Yes.</p> <p>25 Q. On page -- on the next page, it says,</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Potentially.</p> <p>2 Q. And it leads to better high school and</p> <p>3 college outcomes?</p> <p>4 A. Potentially.</p> <p>5 Q. So is it fair to say that MDE wants to</p> <p>6 encourage as many students as possible to</p> <p>7 participate in the program?</p> <p>8 A. MDE encourages students to participate in</p> <p>9 any -- we do not specify which program. We</p> <p>10 encourage students to try that if they are ready</p> <p>11 and it fits with their goals.</p> <p>12 Q. So fair to say that it wants to encourage</p> <p>13 students who can take the program, who can</p> <p>14 participate in the program to participate?</p> <p>15 A. In any one of the programs. Any one of the</p> <p>16 options that best fits them.</p> <p>17 Q. And one way to encourage participation is</p> <p>18 to ensure that there are enough postsecondary</p> <p>19 institutions participating in the program; is that</p> <p>20 correct?</p> <p>21 A. It has not been an active consideration,</p> <p>22 but, yes, you would need obviously postsecondaries</p> <p>23 participating.</p> <p>24 Q. Because not every postsecondary institution</p> <p>25 can open all of their classes to all students,</p>
<p style="text-align: right;">Page 171</p> <p>1 "Challenging, rigorous learning opportunities are</p> <p>2 essential in preparing students for success in</p> <p>3 postsecondary institutions and ensuring career and</p> <p>4 college readiness. Minnesota's rigorous course</p> <p>5 programs include Advanced Placement, International</p> <p>6 Baccalaureate, Postsecondary Enrollment Options,</p> <p>7 and concurrent enrollment. These programs allow</p> <p>8 high school students the opportunity to take</p> <p>9 rigorous, college-level courses and the potential</p> <p>10 to earn college credit while in high school.</p> <p>11 Research shows that participation in rigorous</p> <p>12 courses, specifically dual enrollment, leads to</p> <p>13 better outcomes in high school as well as college</p> <p>14 enrollment and persistence."</p> <p>15 Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Fair to say that PSEO has positive impacts</p> <p>18 for high school students that participate in the</p> <p>19 program?</p> <p>20 A. Correct.</p> <p>21 Q. Because it prepares students for success in</p> <p>22 postsecondary institutions?</p> <p>23 A. That is what research shows, yes.</p> <p>24 Q. And because it allows students to earn</p> <p>25 college credits while in high school?</p>	<p style="text-align: right;">Page 173</p> <p>1 correct?</p> <p>2 MR. TIMMERMAN: Objection. Calls for</p> <p>3 speculation.</p> <p>4 You can answer if you know.</p> <p>5 A. Courses have to be offered to the</p> <p>6 postsecondary students first, and then those</p> <p>7 available spaces are what are open up to the</p> <p>8 postsecondary students. I mean to secondary</p> <p>9 students. That is how the statute reads. So a</p> <p>10 course couldn't be offered in a postsecondary for</p> <p>11 PSEO if it is not also offered in the general</p> <p>12 course for the postsecondary students.</p> <p>13 Q. And just as a practical matter, there's</p> <p>14 limitations on how many students can take a</p> <p>15 particular PSEO course at a specific school?</p> <p>16 MR. TIMMERMAN: Objection. Calls for</p> <p>17 speculation.</p> <p>18 You can answer if you know.</p> <p>19 A. Each institution determines what the limit</p> <p>20 is, and then each student determines, for their --</p> <p>21 for their goals, how many courses they can take.</p> <p>22 Q. So generally it's in MDE's interest to have</p> <p>23 as many eligible institutions as possible</p> <p>24 participating in PSEO because it allows more</p> <p>25 students to participate in the program?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. Again, this isn't centered solely on PSEO.</p> <p>2 It is in MDE's -- MDE believes that it's in the</p> <p>3 students' interest to have as many dual credit</p> <p>4 opportunities as they want to participate in.</p> <p>5 Q. And PSEO is one of those opportunities?</p> <p>6 A. PSEO is one of those opportunities.</p> <p>7 Q. And so it's in MDE's interest to have</p> <p>8 eligible institutions available to participate in</p> <p>9 PSEO; is that correct?</p> <p>10 A. MDE has eligible institutions that provide</p> <p>11 that service to students, yes.</p> <p>12 Q. And it's in their interest to have those</p> <p>13 available to students?</p> <p>14 A. We have not encountered or had</p> <p>15 conversations about whether it's in our interest.</p> <p>16 It exists as an option, and we support those</p> <p>17 options according to statute.</p> <p>18 Q. Are you aware of any student who was not</p> <p>19 able to participate in Crown or Northwestern's PSEO</p> <p>20 program because of their faith that was not able to</p> <p>21 participate in another PSEO program?</p> <p>22 A. I wouldn't know.</p> <p>23 Q. Is that because there's enough PSEO</p> <p>24 programs?</p> <p>25 A. I wouldn't know, if they were rejected, if</p>	<p style="text-align: right;">Page 176</p> <p>1 because they wanted to come on campus. So I'm not</p> <p>2 sure -- like, some of the complaints we get aren't</p> <p>3 always about us knowing whether they applied --</p> <p>4 because they don't apply -- it's a program. You</p> <p>5 apply for the program. We don't always know if</p> <p>6 it's online. Sometimes we know it's in person</p> <p>7 because they state it in the complaint.</p> <p>8 Q. So you -- you don't know if you've seen any</p> <p>9 complaints of students being rejected from the</p> <p>10 online programs at Crown or Northwestern for --</p> <p>11 because of the statement of faith?</p> <p>12 A. I don't know that.</p> <p>13 Q. Do you know -- have you received -- I think</p> <p>14 you said you received complaints from students who</p> <p>15 were rejected from on-campus participation in PSEO</p> <p>16 at Northwestern or Crown because they were LGBTQ?</p> <p>17 A. I believe it was Northwestern.</p> <p>18 Q. Have you -- did you review that complaint</p> <p>19 in advance of this deposition?</p> <p>20 A. I'm sure I did.</p> <p>21 Q. Did you provide it to your counsel?</p> <p>22 A. That's where I reviewed it, yes. They were</p> <p>23 documents that we provided.</p> <p>24 Q. Do you recall the name of the student?</p> <p>25 A. I don't.</p>
<p style="text-align: right;">Page 175</p> <p>1 they attempted to go and enroll in another PSEO</p> <p>2 course and where that would be until it was billed.</p> <p>3 And we would have -- yeah, I don't know.</p> <p>4 Q. So you've never received a complaint from a</p> <p>5 student saying, "I cannot participate in PSEO</p> <p>6 because I cannot attend Crown or Northwestern"?</p> <p>7 A. We've not had that messaging. We've had</p> <p>8 students who have gone to enroll in Crown or</p> <p>9 Northwestern and were rejected to participate in</p> <p>10 that program.</p> <p>11 Q. On campus?</p> <p>12 A. The program.</p> <p>13 Q. So they were rejected from the school</p> <p>14 entirely and not just from the on-campus program?</p> <p>15 A. Likely both.</p> <p>16 Q. Would you have reviewed those complaints in</p> <p>17 preparation for this deposition?</p> <p>18 A. I reviewed a number of complaints so I</p> <p>19 can't give you specifics, but I believe it was both</p> <p>20 a student who would not complete the faith</p> <p>21 statement and so could not be enrolled in</p> <p>22 program --</p> <p>23 Q. Either -- sorry.</p> <p>24 A. Or the faith statement -- or they professed</p> <p>25 to be LGBTQ+ and were not invited to come on campus</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Do you recall when that complaint happened?</p> <p>2 A. I want to say 2018.</p> <p>3 Q. And it was Northwestern?</p> <p>4 A. I believe so.</p> <p>5 Q. I don't believe I've seen that complaint,</p> <p>6 so I'd like to see it.</p> <p>7 Okay. Let's see.</p> <p>8 (Exhibit 24 was marked for</p> <p>9 identification.)</p> <p>10 Q. Let me know if you're familiar with this</p> <p>11 document.</p> <p>12 MR. TIMMERMAN: I just want to -- if</p> <p>13 it's okay to designate -- since we're talking about</p> <p>14 an institution that's not a party to this</p> <p>15 litigation, if we could designate this portion of</p> <p>16 the transcript as confidential, that'd be helpful.</p> <p>17 If there's no objection.</p> <p>18 MS. THOMSON: No objection.</p> <p>19 MR. TIMMERMAN: Thank you.</p> <p>20 A. I'm not familiar with this document.</p> <p>21 Q. Okay. Is it about a PSEO postsecondary</p> <p>22 institution being put on a corrective action</p> <p>23 program at -- by MDE?</p> <p>24 A. So this includes finance staff.</p> <p>25 Q. I just have some general questions about</p>

<p style="text-align: right;">Page 178</p> <p>1 the corrective action program.</p> <p>2 A. Sure.</p> <p>3 Q. The corrective action plan is what it looks</p> <p>4 like. It looks like this was a school that was</p> <p>5 being put on a corrective action plan for PSEO</p> <p>6 requirements; is that right?</p> <p>7 MR. TIMMERMAN: Object on foundation</p> <p>8 grounds.</p> <p>9 You can answer if you know.</p> <p>10 A. The best that I can surmise is that this --</p> <p>11 they were not following reporting guidelines, it</p> <p>12 looks like, around the submission of PSEO that was</p> <p>13 offered and then invoiced to MDE is what it looks</p> <p>14 like.</p> <p>15 Q. Would a corrective action plan be an option</p> <p>16 for a school if you received complaints like the</p> <p>17 ones you've received about Crown and Northwestern's</p> <p>18 statement of faith requirements?</p> <p>19 A. So within program, it isn't formalized. So</p> <p>20 when we have conversations with programs to ask</p> <p>21 them about practices or lack of practices around</p> <p>22 implementing coursework, that is different from the</p> <p>23 requirements for a postsecondary institution to</p> <p>24 submit their invoicing for those PSEO courses in a</p> <p>25 timely manner. We don't, in program, typically</p>	<p style="text-align: right;">Page 180</p> <p>1 offered through program because it isn't a</p> <p>2 document. It is an interaction and a conversation</p> <p>3 and providing guidance to get compliance with how</p> <p>4 program -- how programming is delivered. A</p> <p>5 corrective action plan around finance is adherence</p> <p>6 to timelines so that timely payment can be made to</p> <p>7 the postsecondaries for the PSEO courses that they</p> <p>8 offered.</p> <p>9 Q. So this would not be an option for a</p> <p>10 religious complaint?</p> <p>11 A. It hasn't been an option. I can't say that</p> <p>12 it wouldn't be an option. But it wouldn't be this</p> <p>13 because that's not fiscal. This is a fiscal</p> <p>14 corrective action plan.</p> <p>15 Q. But -- okay. So could there be a</p> <p>16 corrective action plan for a school whom you'd</p> <p>17 received multiple complaints about the content --</p> <p>18 the sectarian content of their courses?</p> <p>19 A. That would be up to MDE leadership to</p> <p>20 consider the context and the repeated guidance --</p> <p>21 Q. So one option would be --</p> <p>22 A. -- to determine that that's -- if that's an</p> <p>23 option or not.</p> <p>24 Q. So one option would be an audit?</p> <p>25 A. Desk review.</p>
<p style="text-align: right;">Page 179</p> <p>1 implement corrective action plans. It's a</p> <p>2 continuous process that could be characterized as</p> <p>3 such.</p> <p>4 But a corrective action plan for finance is</p> <p>5 based around fiscal considerations, like end of</p> <p>6 fiscal year, and if something is submitted after</p> <p>7 the 30th of June and we can now not process your</p> <p>8 payment out of -- so it creates extra in the</p> <p>9 finance area. So that's my take on this corrective</p> <p>10 action plan.</p> <p>11 Q. So this would not be available for a</p> <p>12 programming -- so this would fall under the finance</p> <p>13 department and not programming?</p> <p>14 A. This falls under PSIs submitting their</p> <p>15 invoices for the courses offered in a time frame</p> <p>16 that allows for them to get paid out of the correct</p> <p>17 budget.</p> <p>18 Q. So this would not be used for a religious</p> <p>19 school that you had received complaints about their</p> <p>20 admissions program -- their admissions policies or</p> <p>21 their course content?</p> <p>22 MR. TIMMERMAN: Objection.</p> <p>23 Mischaracterizes testimony.</p> <p>24 You can answer.</p> <p>25 A. A corrective action plan is not typically</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. Or desk review. And one option would be a</p> <p>2 corrective action plan?</p> <p>3 MR. TIMMERMAN: Objection.</p> <p>4 Mischaracterizes testimony.</p> <p>5 You can answer.</p> <p>6 A. I didn't say it could be. I said it's a</p> <p>7 possibility that a plan could be developed. That</p> <p>8 isn't typically done for program. It is done for</p> <p>9 finance.</p> <p>10 Q. Okay. So you're not aware of a corrective</p> <p>11 action plan being used for a religious school</p> <p>12 because of the religious content of their courses?</p> <p>13 A. I'm not familiar with a corrective action</p> <p>14 plan that program has implemented with a</p> <p>15 postsecondary institution to rectify concerns about</p> <p>16 program, no.</p> <p>17 Q. Okay.</p> <p>18 MS. THOMSON: Would you like to take a</p> <p>19 five-minute break?</p> <p>20 MR. TIMMERMAN: Sure.</p> <p>21 (Break: 4:03 p.m. to 4:13 p.m.)</p> <p>22 BY MS. THOMSON:</p> <p>23 Q. So you mentioned you reviewed a complaint</p> <p>24 from Northwestern from a student who was rejected</p> <p>25 because they were LGBT.</p>

<p style="text-align: right;">Page 182</p> <p>1 MS. THOMSON: And can I just ask 2 counsel: Have you seen that document and produced 3 it? 4 MR. TIMMERMAN: We have not seen that 5 document or produced it. 6 MS. THOMSON: Okay. 7 BY MS. THOMSON: 8 Q. So was that a -- would that have been a 9 written complaint that you reviewed? 10 A. It could have been a written complaint or 11 it could have been an oral conversation about a 12 complaint. It could be either one. 13 Q. And is it possible that did not happen, 14 that you're mistaken about what happened? 15 A. The details, I could be mistaken, but I do 16 recall -- but I don't remember the year maybe. I 17 may be off on the year. 18 Q. You remember it being a student? 19 A. I remember it being about a student. It 20 could have been from the parent of the student. I 21 would have recalled it in terms of the student. 22 Q. What do you remember about -- what details 23 do you remember about it? 24 A. The details I remember, as best as I can at 25 this point, was it could have been an email about a</p>	<p style="text-align: right;">Page 184</p> <p>1 of the amendment? 2 A. I don't. We don't go to those unless we're 3 invited, so... 4 Q. So you're not aware of those and you 5 wouldn't have reviewed any of that in preparation 6 for this deposition? 7 A. No. 8 Q. Okay. So to make sure I understand, you 9 would have had a conversation with Beth or Jeanne 10 where they relayed a complaint to you. You -- we 11 don't have the written -- we don't have a written 12 complaint reflecting that today that counsel -- 13 that your counsel has seen? 14 A. No. Obviously -- so I may be getting it 15 confused with an oral discussion. Or that it was 16 something that was relayed orally and summarized in 17 an email. I don't recall. 18 Q. Okay. All right. Thank you very much. 19 MS. THOMSON: That's all the questions 20 I have. We'll leave this deposition open. 21 MR. TIMMERMAN: I just have a couple of 22 follow-up questions. 23 EXAMINATION 24 BY MR. TIMMERMAN: 25 Q. Just to clarify, Ms. Reynolds, is it fair</p>
<p style="text-align: right;">Page 183</p> <p>1 complaint that came from -- but it was about a 2 student who was LGBT and would not attest to that; 3 that they wouldn't recant or -- they were open in 4 stating that they were gay and that the program 5 declined to have them participate. Now, were they 6 given an online option? That part, I don't recall. 7 Q. And is that something that you had 8 knowledge of before preparation for this lawsuit or 9 is it only in preparation for the deposition? 10 A. It's only in preparation. I was not with 11 the agency, I believe, when it -- 12 Q. So you would have had a conversation with 13 someone about it? 14 A. I could have been, yes. I've had -- 15 Q. Do you recall who you would've talked to 16 about that? 17 A. It would have been Beth or Jeanne. 18 Q. So they relayed to you a student -- a 19 complaint from a student with those details? 20 A. It likely was Beth, because Beth would have 21 gotten the problematic concern about -- 22 Q. Yeah. Do you know who Beatrice Handlin is? 23 A. I do not. 24 Q. Are you aware of any former PSEO students 25 testifying at the Minnesota Legislature in support</p>	<p style="text-align: right;">Page 185</p> <p>1 to say that MDE doesn't care if a postsecondary 2 institution has a religious affiliation as long as 3 that institution only offers nonsectarian PSEO 4 courses and doesn't discriminate in the admissions 5 process? 6 A. Correct. 7 Q. And you've mentioned the word "standing" 8 today in response to some questions about 9 complaints that were made to MDE. Do you recall 10 that earlier today? 11 A. I do. 12 Q. When you've used the word "standing" today, 13 were you referring to the Department's 14 administrative authority to -- under the existing 15 PSEO law -- 16 A. Correct. 17 Q. -- to enforce? 18 A. Correct. 19 Q. Okay. 20 MR. TIMMERMAN: No further questions. 21 MS. THOMSON: I have no further 22 questions for today. We'll leave this open. 23 MR. TIMMERMAN: Sure. And we will read 24 and sign. Condensed electronic, I believe, please. 25 (Time Noted: 4:20 p.m., February 8, 2024.)</p>

<p style="text-align: right;">Page 186</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF MINNESOTA)</p> <p>3) ss.</p> <p>4 COUNTY OF HENNEPIN)</p> <p>5 I hereby certify that I reported the</p> <p>6 deposition of SALLY REYNOLDS, on February 8, 2024,</p> <p>7 in Minneapolis, Minnesota, and that the witness was</p> <p>8 by me first duly sworn to tell the whole truth;</p> <p>9 That the testimony was transcribed by me and</p> <p>10 is a true record of the testimony of the witness;</p> <p>11</p> <p>12 That the cost of the original has been</p> <p>13 charged to the party who noticed the deposition,</p> <p>14 and that all parties who ordered copies have been</p> <p>15 charged at the same rate for such copies;</p> <p>16 That I am not a relative or employee or</p> <p>17 attorney or counsel of any of the parties, or a</p> <p>18 relative or employee of such attorney or counsel;</p> <p>19 That I am not financially interested in the</p> <p>20 action and have no contract with the parties,</p> <p>21 attorneys, or persons with an interest in the</p> <p>22 action that affects or has a substantial tendency</p> <p>23 to affect my impartiality;</p> <p>24 That the right to read and sign the</p> <p>25 deposition by the witness was preserved.</p> <p>19 WITNESS MY HAND AND SEAL THIS 20th day of</p> <p>20 February, 2024.</p> <p>21</p> <p>22 <i>Valerie Risue</i></p> <p>23 Valerie J. Risue, Court Reporter</p> <p>24 Notary Public, Hennepin County, Minnesota</p> <p>25 My commission expires January 31, 2029</p>	<p style="text-align: right;">Page 188</p> <p>1 Loe, Melinda And Mark v. Jett, Willie Et Al.</p> <p>2 Sally Reynolds (#6439163)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE_____ LINE_____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE_____ LINE_____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE_____ LINE_____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE_____ LINE_____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE_____ LINE_____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE_____ LINE_____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Sally Reynolds Date</p> <p>25</p>
<p style="text-align: right;">Page 187</p> <p>1 Jeffrey Timmerman, Esq.</p> <p>2 Jeffrey.Timmerman@ag.state.mn.us</p> <p>3 February 20, 2024</p> <p>4 RE: Loe, Melinda And Mark v. Jett, Willie Et Al.</p> <p>5 2/8/2024, Sally Reynolds (#6439163)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 cs-midatlantic@veritext.com.</p> <p>16 Return completed errata within 30 days from</p> <p>17 receipt of testimony.</p> <p>18 If the witness fails to do so within the time</p> <p>19 allotted, the transcript may be used as if signed.</p> <p>20</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 189</p> <p>1 Loe, Melinda And Mark v. Jett, Willie Et Al.</p> <p>2 Sally Reynolds (#6439163)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Sally Reynolds, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10</p> <p>11 _____</p> <p>12 Sally Reynolds Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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[timmerman - understand]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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